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IS THE PEACE TREATY JUST?

'VERITAS' REPLIES TO PROFESSOR PHILLIPSON

QUESTIONS OF INTERNATIONAL LAW AND JUSTICE EXAMINED.

Professor Phillipson's reply to my criticism is a weak defence of a bad case. As his four column reply was extremely brief, if the abuse was cut out, I will be brief also. In a matter of such importance we should not rest with biased statements (whether of himself, or myself; let others judge), but should endeavor to reach the truth.

-The Fourteen Points.-

Anyone who says that "when Germany and her associates laid down their arms, obviously they did so on the basis of the armistice terms, which clearly supplanted the fourteen points," is guilty of serious misrepresentation.

On October 23 President Wilson, "having received the solemn and explicit assurance of the German Government that it unreservedly accepts the terms of peace laid down in his address to the Congress of the United States on January 8, 1918 (the fourteen points), and the principles of settlement enunciated in his subsequent addresses, particularly the address of September 27, and that it is ready to discuss the details of their application," sent the correspondence to the Allied Powers, who accepted with the two reservations—the freedom of the seas and reparation, which was to include payment for all damage done to the Allied civilian population and their property.

The armistice terms, Professor Phillipson, were not, as you say, the basis of the Peace Treaty. They were merely a safeguard against a renewed attack by Germany in case negotiations should break down, and a guarantee of good faith on Germany's part. Your allusions to Hindenburg and Ludendorff are away from the point. Their reference is to the military situation, not the legal position. When Ludendorff says that the armistice conditions gave the Allies the power to regulate details of the treaty, that does not get away from the fact that the details should have been in accordance with the fourteen points (freedom of the seas and reparation excepted).

They were not. The professor quotes President Wilson, but makes no attempt to reply to my many facts showing—(1) economic barriers; (2) self-determination; (3) the League of Nations and reduction of armaments; and then shifts his ground and declares that the armistice terms were the basis of the treaty—they supplanted the fourteen points. Well, why does he insist that the treaty did not violate the fourteen points, when now he claims it was founded on the armistice terms! Like the burglar who declares he did not take the beastly thing—at any rate, he did give it back.

-Justice.-

The professor first claims magnanimity and generosity for the Allies. When that is shown wrong, he takes refuge in strict "legal" justice. Let me emphasize the point brought out by your correspondent, "Facts," that the professor cannot claim even strict legal justice for the treaty while the Allies refuse to try the whole case before a neutral court, while they persist in enforcing a treaty wherein they were accusers and judges at the same time. If their case is so strong, why are they frightened to give an opportunity for the exercise of the principles of the League of Nations?

The professor sidetracks the issue of atrocities. I was dealing with principles—the principle that if Germany had to pay so heavily for her misdeeds in Belgium, on the same reasoning Great Britain should pay for her atrocities in Ireland, and France for her atrocities in the Rhineland; and my critic replies justifying Britain's Irish policy on the plea of necessity, which was ex-

actly what the Germans did in the case of Belgium; his cheap sneer at Mr. Asquith's daughter is worthy of his methods, as also is his evasion of the essential point, that justice should apply equally all round.

I would again point out to him that the Brest-Litovsk treaty was not as severe as the Treaty of Versailles. I would remind him that his change of opinion concerning the plebiscite in Alsace-Lorraine is not justified, for even if the opinion of the Alsations and Lorraines had changed within a year how could we know for certain without a plebiscite? I would insist that Germany, Austria, Bulgaria, and Turkey have still to be proved responsible for the development which precipitated the war, and until we have the same access to the archives of Great Britain, France and Belgium as we have had to those of Russia, Germany, and Austria, the case has been only half tried.

-"Germany Can Pay, but Must Not."-

As I am not an economist, I do not intend to follow Professor Phillipson through the maze of statistics which he presents, but I would suggest:—

1. That even if there are 200,000 million tons of coal in the Ruhr valley that coal is of little use, until capital and labor have been expended upon it, and its real value for reparation purposes is the difference between the sale price and the cost of getting it, and of getting it to the pit head.

2. That the increase in the number of Imperial civil servants may be due to the establishment of new departments caused by the war, such as, for example, those dealing with the pensions, hospitals, repatriation, and the like.

3. I would ask Professor Phillipson what is his authority for the alleged increase in the postal and telegraph employees?

4. That if the increased consumption of champagne, the increased number of race meetings, and the expanded returns of the totalisator prove that Germany is rolling in wealth and prosperity, then our Australian totalisator records, crowded picture houses, record dance attendances and the like, are a proof that all Mr. Barwell's assertions about our poverty and depression are untrue.

5. I understand that leading economists are discussing to-day, not so much how much Germany can pay, but how little it is safe for us to accept from her, if our industries and commerce are not to be overwhelmed by the flood of German reparation imports. Professor Phillipson might consider this new aspect, in which the repayment of his just debts has a disastrous effect upon the industry and state of employment of the recipient. There is a judicial adage to which Professor Phillipson subscribes, "Let justice be done, though the heavens fall." Professor Phillipson's interpretation seems in practice to be "Let justice be done, even though the price of coal, ships, dyes, glassware and everything else in the victorious countries falls to an unprofitable level."

-Germany Winning the Peace.-

European papers to hand indicate that while the factories and shipyards of the victorious nations are either shut up or working short time, those of Germany are humming with energy, and her unemployment seems to be far less rife in Germany than west of the Rhine. If this is so, then I am afraid that Professor Phillipson and his colleagues at Versailles have allowed themselves to be tricked by the insidious Hun. It looks as if the enemy having read, marked, and carefully digested Norman Angell, discovered that from the economic point of view it would be better to lose the war than to win, and deliberately did so. They recognised that such an action meant that the Allies would take from them their obsolete ships, and would endeavor in vain to work them

in competition with up to date vessels, which Germany would then be using entirely. They say (sawed logs that they were) that Germany must require the machinery she had destroyed in France and Belgium, and that since those machines would be German in design all spare parts and replacements would have to be bought from Germany. She guessed that she would lose the iron deposits from Lorraine, but knew that those deposits could only be worked with German coal, and thus while France would bear the cost of governing Alsace, the Germans would get all the profits which came from treating its ore. She realised that the payment of an inevitable reparation might hurt for a time, but since that payment must be made in goods, which would destroy by their competition the industries in the countries receiving them, Germany would emerge once her reparation was paid, industrial mistress of the world, and so with malice aforethought, laying her dark schemes for half a century ahead, she deliberately lost the war in order to win the peace.

If this is not true, why is every victorious nation to-day shrieking about need for high tariffs and anti-dumping legislation to protect itself against the results of a magnanimous and generous indemnity?

-International Law.-

Professor Phillipson may think I am joking—in the last few lines. Perhaps I am, but at any rate, let me be serious. The professor is a professor of law and a specialist on international law. I therefore read his Part II, to ascertain more clearly what is the definition of justice, especially as applied to international affairs. Professor Phillipson states that the aim of justice is to give each one his due. Even admitting that this principle is honored in our social life, which I doubt, I still wish to know how it is interpreted in international affairs, when nations stand towards each other more as rivals than as members of a society. I find that the professor says that "the dictates of the sense of justice, together with the international law and practice of a thousand years, gave the victors the right to impose terms on the vanquished. . . . The hard terms imposed conform to the demands of universally established international justice. In 1811 Germany herself applied such principles . . . against a defeated France." Is that your answer, professor? If so, it boils down to might is right, giving the victor the right to impose what terms he wishes, regardless of whether he was offender or defender, and regardless of any decency in the terms he lays down. So the treaty of 1871 was just; the taking of Alsace Lorraine was just, although a few lines lower down you declare that the restoration of that portion of France was only a wrong set right. You contradict yourself. How can a thing be right in 1871, and yet 40 years later be a wrong, which needs to be set right? You have given the show away. International law, according to your own carefully considered reply, is nothing more than spoils to the victors, and woe to the vanquished. Twenty years ago some one persuaded me to read Plato's Republic. I did not get far into it, but I remember that in the early pages Socrates handled mercilessly various young pigs, sophists, and muddleheaded intellectuals who tried to tell him what justice was. I have never forgotten that, and my parting word to you is—Read "The Republic."

Although probably Sullivan will be most popularly known by his comic operas, no one will ever forget "Onward, Christian Soldier" (1869), "The Lost Chord" (1875) (perhaps the most successful song of modern times), or "The Golden Legend" (1886). Sullivan was a universal musical genius, and he won success in practically all the departments of his science, both as a composer and a performer. Mr. Bevan aptly closes his excellent resume of Sullivan's life and work with these words:—"If there be music in the celestial sphere, then should his soul rest in smiling peacefulness for all eternity."

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IS THE PEACE TREATY JUST?

From Professor COLEMAN PHILLIPSON:—I notice in "The Advertiser" of August 12 two more letters on this question. One is signed "Broader Views." As his breadth of view amounts to considering justice as identical with mere expediency, further comment on his letter is unnecessary, especially as he is impervious to the many invincible arguments set forth in your issue of August 6, and because he thinks that to adopt his untenable views would make a man a "leader of thought!" The other letter is from Mr. H. S. Taylor, of Kenmark, who has the straightforwardness to give his name. Though it is in a dig, to take further part in this discussion, I make the following observations on his letter:—1. I did not present a "partial" and "partisan view" of the Peace Treaty. How can Mr. Taylor be capable of drawing such a conclusion, seeing that I carefully considered both sides on the basis of justice? Of course, his view is different, but that does not make mine a "partial" and "partisan" view. Fancy talking of a "partisan" view, when Mr. Taylor himself admitted a short time ago that his is the only paper in Australia which expresses his view? 2. The phrase attributed to me is obviously misquoted. The word "responsible" should be "irresponsible." Mr. Taylor takes exception to "flatulent sentimentalism." I can assure him it is a very good expression, and, like the accompanying words, it is clear, direct, concise, and hits the mark. If the cap fits him, it is not my fault. Mr. Taylor refers to "classical" appropriateness of description. If he will look up such classical writers as Demosthenes, Cicero, and Juvenal, he will find phrases incomparably more stinging. I hope, by the way, that he is not interpreting the word "flatulent" in the pill-maker's sense. Perhaps he will be kind enough to look up a good dictionary (say, the great New English Dictionary). 3. Mr. Taylor talks of "vulgar errors." It is, indeed, most becoming in a man to talk like this when he is in a hopeless minority! Misuse of language and distortion of perspective could hardly go further. No doubt, the Bolshevik, the anti-Britisher, &c., think that the upholders of law and order have nothing but "vulgar errors." 4. Mr. Taylor reminds us of the international suspicion that prevailed before 1914. How in the world can that excuse a lawless invasion, and what, in the name of common-sense, has that to do with the legitimate imposition of terms by the victors on the vanquished assailants? We all know that England was suspicious of Germany, Germany of England, each of these of Russia, and Russia of these, and so on. If I entertain a suspicion with regard to Mr. Taylor, I don't rush down to Renmark, smash his printing machines, and make havoc in his home. For my part, I have finished with this question, especially as I am assured that those who hold Mr. Taylor's views form a "negligible quantity."