

EDUARD BERNSTEIN ON SOCIAL DEMOCRACY AND INTERNATIONAL POLITICS

ESSAYS AND OTHER WRITINGS

Marius S. Ostrowski



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and International Politics

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Marius S. Ostrowski
All Souls College
University of Oxford
Oxford, UK

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CHAPTER 1

Introduction

Marius S. Ostrowski

Eduard Bernstein (1850–1932) is arguably one of the most significant, and unjustly neglected, thinkers of the late nineteenth and early twentieth centuries. A self-taught theorist, sometime journalist, lifelong socialist campaigner, and in later years a parliamentary deputy for the Social-Democratic Party of Germany (SPD), Bernstein rose to prominence first as Friedrich Engels’ designated successor as the “guardian” of the hard-won Marxian hegemony within German socialist thought, and then as the architect of the revisionist tendency within the socialist tradition that—albeit largely unintentionally—brought that same hegemony to an end. It is this theoretical *volte-face* that overwhelmingly defines Bernstein’s reputation, since at the time it represented one of the first—and by far the most prominent—new responses to a specific and widely acknowledged problem within socialism, namely, how to deal with the growing gulf that was emerging between the demands of Marxian theory and social-democratic practice towards the end of the nineteenth century. In light of the failure of the much-heralded imminent collapse of capitalism to materialise, despite the economic depression of the 1870s and 1880s, SPD parliamentarians—who, despite the best efforts of Bismarck’s repression, had won representation (however disproportionately meagre) in the Reichstag throughout the Reich’s existence—and trade unionists sought to use their positions to achieve more immediate improvements in the conditions of the working class, including increased wages, maximum

working hours, more democratic industrial employment laws, and less restrictive enfranchisement.¹ But this was anathema to socialist theory in its Marxian conception, which viewed all such incremental ameliorations as inadequate partial mitigations of the worst effects of capitalism—and poor imitations of bourgeois liberal welfarist and charitable programmes—that merely postponed the moment where these effects would become so extreme as to provoke the socialist revolution that would completely remove them.

Bernstein initially developed what has become known as the “revisionist” position over the course of the 1890s in a series of articles, notably in the SPD’s most important theoretical journal *Die Neue Zeit* under the title “Problems of Socialism”, as an attempt—unprecedented at the time—to overcome this impasse.² In comparison, most of Bernstein’s contemporaries were content either to entrench resolutely around “scientific” orthodox Marxian precepts regarding the determinant primacy of economic conditions, the internal contradictions of capitalism, and the need for social revolution led by the proletarian class to bring about a transition to socialism—such as Bernstein’s long-time colleague and sparring partner Karl Kautsky or his most acerbic critic Rosa Luxemburg—or to quietly abandon all but the most outward commitment to the conceptual niceties of a calcified and decreasingly relevant Marxism in favour of a more pragmatic, even anti-theoretical approach to solving immediately pressing questions of the working class, especially on issues of cooperating with other parties and ideologies—such as the so-called SPD (and trade unionist) *Praktiker*, including luminaries of the later Weimar-era party like Friedrich Ebert, Philipp Scheidemann, Otto Landsberg, and Hermann Müller. In other words, although they too recognised the problem, they were content to let it lie. Bernstein, however, uniquely sought to bridge the theory-practice divide. In *Die Voraussetzungen des Sozialismus (The Preconditions of Socialism)*, easily his best-known work, in which he summarised and elaborated his emergent revisionist position, Bernstein argued that socialism should steer away from what he perceived as the traps of Hegelian dialectics—especially its stubborn historicism and naïve eschatology—and towards a greater appreciation of a Kantian ethical framework of rights, justice, and humanity, which also meant a greater preparedness to learn from liberal strands of thought, especially in its then-emerging social liberal form.³ On this basis, Bernstein suggested that socialists embrace parliamentary reformism not merely on an instrumental basis—that is, as a mechanism to elevate class consciousness, or an incidental prelude to more

comprehensive social revolution, characterised by a strategy of oppositional, isolationist *attentisme*—but as a significant political good in its own right.⁴

Ultimately, Bernstein's attempt to reunite socialist theory and practice proved unsuccessful, and the growing gulf finally culminated in a series of acrimonious fragmentations of the German (and wider European) socialist left in the late 1910s and 1920s—with Bernstein himself at the very centre of these fragmentations. Nevertheless, he never wavered in his commitment to the revisionist position he had carved out in *Preconditions*, and he spent the last three decades of his life defending and elaborating his ideas in parliamentary speeches, journal and newspaper articles, private correspondence, and a number of published works, including those presented here. Revisionist socialism itself came to be regarded only by a small and relatively powerless minority of Bernstein's contemporaries as a long-overdue update to orthodox Marxian analysis—perhaps most prominently Eduard Heimann, Hermann Heller, Leonard Nelson, Hendrik de Man, and Emil Lederer—although he also found a few allies among the SPD *Praktiker*, including Eduard David, Konrad Schmidt, Wolfgang Heine, and Heinrich Peus.⁵ Instead, the overwhelming majority either condemned his views as the most supreme betrayal of the life's work of “the founders” or seized on his challenge to the Marxian doctrinal monolith to catalyse a far more comprehensive shedding of socialist theoretical commitments than Bernstein had ever envisaged. Overall, the result of this was that, in his lifetime, Bernstein was easily one of the best-known figures within European socialist politics, but also at the same time one of the most misunderstood and most maligned. In the wake of the revisionist controversy within Marxian thought for which he is undoubtedly best known, his ideas were the subject of several successive SPD party congresses—at Stuttgart in 1898, Hannover in 1899, Lübeck in 1901, and Dresden in 1903—and later he was influential, even instrumental, in the drafting of the SPD's noticeably revisionist 1921 Görlitz Programme.⁶ Yet paradoxically, Bernstein's record in influencing social-democratic thought and practice, unrivalled except for Karl Marx, Friedrich Engels, and Ferdinand Lassalle, fell quickly into unrecognition. The Görlitz programme was soon replaced by the far more orthodox 1925 Heidelberg Programme, and by the time this one came to be succeeded by the 1959 Bad Godesberg Programme, Bernstein's legacy was so forgotten that only a few social-democratic intellectuals such as Carlo Schmid and Bruno Kreisky remained aware of the intimate connection between his revisionism and reformism and the SPD's final rejection of Marxian socialism.⁷

Now, especially outside the German-speaking world, Bernstein's name rarely meets with acknowledgement even in academic circles, and even when it does, it is usually only in passing within the somewhat confined context of debates over the core tenets of Marxian theory, typically with overtones of either disparaging hostility or the superficial interest generally reserved for historical curios.

Although it is difficult to pin down a clear reason for this dramatic decline in Bernstein's fame, there are some clues to be found within the conventional wisdom surrounding his life and work. Firstly, the conventional wisdom is that Bernstein was a man caught between the extremes of his time. As a practice-oriented revisionist, he is deemed no longer Marxist enough to be read as a serious contributor to the Marxian tradition of thought or strategy on the same level as Antonio Gramsci, Vladimir Lenin, György Lukács, and the various critical theorists of the Frankfurt School. Yet he is also seen as still too Marxist to count as having instigated a new and innovative ethical, liberal-leaning strand within wider socialist thought, as compared to the Fabians, G.D.H. Cole, John Neville Figgis, Harold Laski, the Pankhursts, or John Maynard Keynes. Meanwhile, as an active politician, journalist, and campaigner, Bernstein is perceived as no longer theoretically-minded enough to number among the greats of high-calibre socialist thought, on the level of Kautsky, Luxemburg, Rudolf Hilferding, or Georgi Plekhanov. But he is also still considered too cerebral and philosophical to have been an effective propagandist, public speaker, or party strategist of the stature of August Bebel, Wilhelm and Karl Liebknecht, Hugo Haase, Wilhelm Pieck, or Ernst Thälmann. In short, neither Bernstein's theoretical nor his practical positions are held to be as original or distinctive as those of many of the other leading figures in socialist history and in the socialist canon. Instead of bridging the theory-practice divide that had plagued the SPD for decades, Bernstein was thus caught squarely in the middle of it. Along with Haase, Kautsky, and many of his fellow members of the short-lived Independent Social-Democratic Party of Germany (USPD), Bernstein found himself "between the chairs": simultaneously too reformist and parliamentarist for the Spartacist left, which later split off from the USPD into the communist party of Germany (KPD), and too Marxist and partisan for the *Praktiker* right, which remained the dominant "majority faction" within the SPD.

Secondly, the other part of the conventional wisdom about Bernstein is that his theoretical life and most salient contribution, such as it was, began and ended with his gradual exposition of the revisionist position over the

course of the 1890s, and that he added little of substance to his position between then and his death. Instead, the overwhelmingly dominant view of Bernstein's later life is that of a moderately popular and successful elected politician who successfully weathered the storms of later Wilhelmine and Weimar politics—a not insignificant achievement in light of the several current and former party comrades who were the attempted targets or actual victims of assassination attempts, including the younger Liebknecht, Luxemburg, Haase, and Scheidemann, as well as several leftist colleagues such as Kurt Eisner and Eugen Leviné. Sure enough, Bernstein crowned his long political career with the office of Assistant Secretary to the Reich Treasury (*Reichsschatzamt*) in the Council of the People's Deputies (*Rat der Volksbeauftragten*), the SPD-USPD coalition that acted as the *de facto* provisional government of Germany during the early stages of the 1918–1919 German Revolution. After rejoining the SPD in 1919, he enjoyed the position of a moderately revered “elder statesman” in the fledgling German republic until his death. At the same time, he kept up his work as a writer, especially during and immediately after WWI, publishing articles and books in quick succession on issues in socialist economic theory, such as the socialisation of industries and “mixed economy” models, the early history of the Weimar Republic, and his memoirs from his years in exile.⁸ In these, he consciously sought to defend his revisionist position and apply it piecemeal to specific social problems and conditions as and when he saw them present themselves to the socialist movement. He even revisited the question of the theory and practice of socialist reformism in a series of lectures, compiled under the title *Sozialismus Einst und Jetzt* (*Socialism Past and Present*), as well as a revised and expanded second edition of *Preconditions*, both published in 1921—although neither of these statements of his “mature” revisionism provoked anything near the level of interest (or vitriol) conferred on his earlier revisionist texts.⁹ Despite these late efforts, his position is not seen as comprehensive, well-developed, or rich enough to act as the foundation for an ideological strand within left thought. There is—and, in the view of the conventional wisdom, there will forever be—no possible or credible ideological strand of “Bernsteinism” within (or even outside) Marxism, as compared to the various rich seams of Luxemburgism, Leninism, Trotskyism, or Maoism that have emerged over the last century.

While there is a degree of truth in both parts of this conventional wisdom, they have become so embedded as tropes within the reception of Bernstein that they have fed a systematic underestimation of his capacities

as a socialist theorist. Furthermore, they obscure the fertile radical potential of the project of an independent social-democratic theory that he introduced—that is, a line of ideological thinking that consciously sought to navigate the treacherous terrain at the intersection of “pure” socialist thought and “messy” SPD party practice. Consequently, Bernstein has tended to be dismissed as a mere commentator on Marx, and his theoretical positions and works treated as unstable, schizophrenic hybrids of more orthodox Marxian socialism and *fin-de-siècle* bourgeois social liberalism (especially of the English variety), rather than as the foundation of a new intellectual strand in its own right. Granted, some attempts have been made to overcome these underestimations, but they have been few and far between, and largely confined to the German-speaking literature on Bernstein—and, all told, they have so far largely failed to elevate Bernstein to the position of prominence he properly ought to occupy within contemporary receptions of the socialist canon.¹⁰ Within the Anglophone literature, only Manfred Steger and perhaps Peter Gay have tried to steer the reception of Bernstein towards an appreciation of his role as a foundational thinker, while only Sheri Berman, and maybe John Dunn, Hans Keman, and Thomas Meyer have defended the idea of taking social democracy after the influence of Bernstein’s revisionism seriously as a separate political ideology.¹¹ In contrast to the conventional wisdom, they present Bernstein’s position as more than just a “neither-one-thing-nor-the-other” negative and take pains to highlight that his theoretical contributions extended well beyond (and continued well after) his 1890s revisionist writings. Instead, they have sought to emphasise the extent to which the formation and development of his theoretical views played a constant role in his socialist activism alongside his practical campaigning (especially with and for trade unionists) and more routine journalistic engagements.

It is the aim of this collection to help reinvigorate the moves to restore Bernstein to his former preeminent position. It brings together several of Bernstein’s later works, written and published in quick succession during one of his most prolific periods in later life. Throughout his life, Bernstein remained a voracious reader and avid watcher of the events and current affairs of his time and—*contra* the second part of the conventional wisdom—constantly sought to use what he learned and saw to refine a theoretical outlook and programme that—*contra* the first part of the conventional wisdom—he continued to see as a faithful application of the fundamental principles of scientific socialism, as originally expounded by its founders.¹²

Until well into his final years, Bernstein was still fighting many of the same battles as those that marked the disputes which motivated his original exploration of revisionist ethical socialism. However, he was doing so against the backdrop of drastically changing conditions, both within a social-democratic movement that was being stretched to breaking-point by the gulf between *Praktiker* and an ossifying *stratum* of oracles of Marxian orthodoxy, and within and beyond the wider German and European political landscape. The aim in what follows here is to give some indication of the continuity and development of Bernstein's ideas in his later years after the initial outbreak of the revisionist controversy.

I BERNSTEIN'S WAR YEARS: MILITARISM AND THE COLLAPSE OF SOCIALIST INTERNATIONALISM

The works presented in this collection start out, just as *Preconditions* did over 15 years previously, from another specific, immediate problem that had arisen for socialist theory and practice. The wider context for the arguments Bernstein presents in them was provided by the tensions that emerged in the left sections of German society between contrasting pulls of (German) nationalism and (socialist) internationalism in the early years of the twentieth century. These became intensified by repeated and increasingly close-run instances where all-out European war was only narrowly averted in successive crises over specific regions and localities in and around Europe during the early 1900s and 1910s: the Morocco crises of 1905–1906 and 1911, the Balkan crisis of 1908–1909 and Balkan Wars of 1912–1913, and the Italo-Turkish war of 1911–1912. After the 1907 Reichstag election, in which the SPD lost nearly half its parliamentary seats to liberal and conservative parties that supported the Reich government's overtly nationalist foreign policy—against the backdrop of the formation and solidification of the Triple Entente, and the growing armaments (especially naval arms) race between Britain and Germany—an initially small but vocal strand emerged within the party that demanded a greater recognition of the importance of the “national question”. Comprising many *Praktiker* who were highly sympathetic to Bernstein's revisionist ideas, such as Joseph Bloch, Gustav Noske, and Max Schippel, this strand launched a sustained critical assault on the SPD's theoretical commitments and practical strategy. Combined with the rising chauvinist atmosphere in Germany as a whole, this gradually succeeded in pushing the SPD party establishment away from its long-held internationalist principles and

towards increasing obsequiousness before the institutions of the German Reich—away from Bebel’s mantras about the “common identity of the international proletariat” and towards defending “German civilisation” and the “national interests” of the German working class.¹³

These nationalist-internationalist tensions within the SPD, which initially seemed to mirror the already well-established revisionist-orthodox divide, became concentrated very abruptly when yet another international diplomatic crisis did, in fact, spill over into war. This was the July Crisis between the major European powers, provoked as a result of the dispute between Austria-Hungary and Serbia over the assassination of Archduke Franz Ferdinand by the Serb nationalist Gavrilo Princip in Sarajevo on 28 June 1914. It is clear that the exorbitant demands in Austria-Hungary’s ultimatum to Serbia on 23 July, and its refusal to subject the dispute to any form of mediation by third parties or arbitration by an international tribunal, were essentially designed to make some form of conflict inevitable.¹⁴ Meanwhile, the limited efforts by other states with direct or indirect claimed interests in the dispute (notably Germany, Russia, and France) to either clearly oppose war or critically intercede with their respective allies meant that any outbreak of war between Austria-Hungary and Serbia could immediately trigger the invocation of an intricate complex of European alliances and hostilities.¹⁵ As had been the case with the previous crises, the context that underpinned the tensions within the SPD over the prospect of war was thus the concern that what started as a comparatively manageable provincial dispute might rapidly spiral out of control, taking on the proportions of an all-engulfing continental conflagration.

The tensions came to a head in the decisive moment of the Reichstag vote on 4 August 1914 on whether to approve war credits to the German government. Over the course of July, it had become clear from the sparse details of the diplomatic manoeuvres that had filtered through to the German public that a war between Austria-Hungary and Serbia would inevitably also provoke a war between Germany and Russia—a war that the German government under Reich Chancellor Theobald von Bethmann-Hollweg actively sought to portray as a war of *defence*. Sure enough, in the wake of Austria-Hungary’s declaration of war on Serbia on 28 July, Russia ordered first partial and then general mobilisation against Austria-Hungary (and pre-emptively Germany) on 29 and 30 July, to which Germany responded by declaring war on Russia on 1 August. Insisting that his government was still primarily interested in preventing the impending war, the Kaiser—through Bethmann-Hollweg—invited the Reichstag party

fractions, including the SPD, to put aside their differences on domestic policy and their economic antagonisms, and join a general *Burgfrieden* (“party truce”) in the patriotic interest. Faced with the prospect of an imminent invasion of German territory by an enemy that socialists of all stripes had long considered the most egregious example of uncivilised oppression and reaction in Europe, the SPD opted to join the *Burgfrieden*.¹⁶ On 2 August, the General Commission of German Trade Unions declared its intention to suspend industrial action for the duration of the war, and on the same day, the SPD party executive voted 4 to 2 to approve the war credits. The next afternoon, 92 of the 110 SPD Reichstag deputies gathered for a caucus and, accepting Bethmann-Hollweg’s claims about the defensive character of the war, also voted to approve the credits 78 to 14. Mere hours later, Germany declared war on France in anticipation of its support for Russia, suddenly expanding the remit of the war well beyond just a response to Tsarist aggression. And on 4 August, after the government of neutral Belgium refused the German government’s request to permit its troops to cross its borders *en route* to invading France, Germany declared war on Belgium as well, which Bethmann-Hollweg announced in a speech to the Reichstag deputies. Despite these dramatic developments since the caucus, the SPD deputies, bound by the party’s policy of *Fraktionszwang* (“party discipline”), still sided with the German government in the ensuing vote, joining the deputies from all the other liberal and conservative parties to approve the war credits unanimously. Only after the vote had taken place, in the evening of 4 August, did Britain finally also declare war on Germany in response to the German invasion of Belgium.¹⁷

By the time of the vote, Bernstein had achieved a goal long denied him by decades of enforced exile in Switzerland and Britain, and been elected as a Reichstag deputy for the constituency of Breslau-West, a position he occupied more or less continuously from 1902 to 1928. In this capacity, despite his opposition to the war at the caucus on 3 August, he voted with the other deputies on 4 August to approve the German government’s war credits. But almost from the moment of the vote, Bernstein’s decision to side with a government he had spent his entire career opposing weighed heavily on him. In particular, he was aghast at Germany’s flouting of Belgium’s neutrality and Britain’s consequent entry into the war, and he felt passionately that, in abiding by the *Burgfrieden*, he and his SPD colleagues had been duped—both by the German government and right-leaning SPD members, such as David, Heine, and Noske, as well as

Ludwig Frank, Heinrich Cunow, and Albert Südekum—into endorsing a very different kind of war to the one they had originally been persuaded to support.¹⁸ In part, Bernstein was personally upset at the way he had been obliged to vote, on account of his own long-standing pacifist and internationalist sympathies.¹⁹ Soon convinced of the German government's war guilt, not just because of its brutal war conduct but also because of its duplicity in presenting its aggressive and annexationist war aims inaccurately as a "defensive war", Bernstein came to see his decision not to oppose war credits as the "darkest day" in his political life. Dramatically breaking with David, Heine, and many other revisionist allies on the right of the SPD, who were now full-throated supporters of the German war effort, Bernstein sought out new opportunities for collaboration with his former orthodox Marxian opponents Kautsky, Haase, and Georg Ledebour, and soon became a crucial figure within the party's anti-war faction—which unusually placed him on the radical left of the SPD, alongside his erstwhile theoretical detractors Luxemburg and Liebknecht.²⁰

But Bernstein's frustration with the SPD's decision to approve the war credits went well beyond his personal misgivings, and took on a much more broadly political dimension. He foresaw—correctly, it transpired—that one of the major effects of his party's vote, and even more of its subsequent supportive stance towards the German government's war conduct, would be a significant worsening of the SPD's reputation in the minds of their former comrades across the wider European socialist movement. That the SPD deputies had been entitled to support their government when the war was still (or still appeared to be) a war of defence was not in doubt, although other socialist fractions, such as the Russian Bolsheviks or later the Italian socialists, opposed their own governments in similar votes. Some of the more charitable European social-democratic observers, such as Emile Vandervelde, were even inclined to extend this entitlement to the SPD's vote for war credits, on the basis that the precise war aims and diplomatic manoeuvrings of the German government were still unclear or unknown at the time.²¹ Yet what the other European socialists could not forgive was the SPD's continued support for the German government at the point when the latter's aggressive imperialist and annexationist war aims had become fully transparent with the leaking of its heavily expansionist *Septemberprogramm*.²² The SPD displayed abject sluggishness in manifesting any form of meaningful plenary opposition to the German war conduct: at the second Reichstag session to approve further war credits on 2 December 1914, Liebknecht cast a lone

vote against the motion, while at the third session on 20 March 1915, he was joined only by his later fellow Spartacist Otto Rühle. The remaining SPD deputies, Bernstein included, continued to bow to *Fraktionszwang* in their plenary votes—even though, behind the scenes, many of them had begun to express growing opposition to the war in party publications and correspondence.²³

However, it was the SPD's failure to change its official position on support for the war that resonated with other European socialists, so much so that the French socialists (SFIO) responded to the German invasion by entering the French governing coalition under their own policy of *union sacrée*. The SFIO also demanded that the SPD be straightforwardly excluded from all future international socialist congresses for being in hock to German militarism, and refused to participate in any international efforts to which German delegates were also invited. This included the attempts by the executive committee of the International Socialist Bureau to organise meetings with delegates of the socialist parties in all the belligerent nations in the Hague in January and February 1915, as well as the British Independent Labour Party trying to invite the German and Austrian social-democratic parties to the conference held in London on 14 February 1915, which was ultimately only attended by parties from the Entente powers. In response to this sudden ostracism, the German, Austrian, and Hungarian parties organised their own conference for socialists from the Central Powers in Vienna on 12–13 April 1915, opening the door to a rapid proliferation of several rival congresses (and their attendant factions), each of which sought unsuccessfully to inherit the mantle of the Second International, and offered different prescriptions for how the problems raised by the war should be addressed. As a result, little over half a year after the SPD's war credits vote, the networks of international collaboration that socialists had carefully constructed in the half-century before the war were facing a spectacular and comprehensive collapse in the face of Franco-German hostilities. This came as a particular blow for Bernstein because, as he repeatedly observed, it was the cooperation between the French socialists and the SPD that had been integral to the reformation of international socialist networks and organisations in the wake of the Franco-Prussian War of 1870–1871. But what, in his eyes, made the blow even harder to bear was that it was the German delegation—which had, over time, risen to become one of the acknowledged leading players in the International Workingmen's Association and the Second International—that had clearly brought about this collapse.²⁴

It is the SPD's decision to vote for war credits in particular, and the transformations it catalysed within the party over the next two years, that were perhaps the most obvious and immediate impetus for Bernstein to write, or compile, the works presented in this collection. Bernstein himself fairly explicitly identifies the question of war credits as a shibboleth for the wider stance of Social Democracy in Germany and further abroad on questions of militarism versus pacifism and (chauvinist) nationalism versus (at least potentially internationalist) patriotism—a clear case where he took a practical instance of policy as a “case study” for deeper theoretical divisions in socialist theory.²⁵ Bernstein made great personal efforts to maintain the international socialist ties that had been severed by the start of World War I through active and public engagement with the various rival attempts to convene the socialist parties of Europe, especially the explicitly anti-war conference held at Zimmerwald on 5–8 September 1915, and its successor conferences at Kienthal on 24–30 April 1916 and Stockholm on 5–12 September 1917.²⁶ However, he soon became disillusioned with these last attempts, partly because the International Socialist Bureau refused to endorse their wholly anti-war position, which limited participation in them to delegates only from the anti-war minority factions in the respective national parties, and because the conferences became entirely dominated by revolutionary radicals (the “Zimmerwald Left”, a precursor of what eventually became the Comintern). As a result, for all his efforts, he could only watch, comparatively helplessly, as the Second International fragmented into chauvinist denunciations and infighting between rival constituent factions, and as the wider international socialist movement was rent apart by the institutionalisation of nationalist and anti-bourgeois dogmas at either extreme.²⁷

The ongoing failure of these attempts to reconstruct socialist internationalism was mirrored in the near-total lack of international diplomatic efforts to put an end to the unprecedentedly destructive bloodshed the war unleashed—a situation that Bernstein found a source of intolerable anger and frustration. Together, these failures provided the immediate impetus for the vast volume of work Bernstein produced to address the question of how to restore healthy international relations after the war, especially among socialists of previously warring countries, and what institutional reforms social democrats should commit to in their party programmes to at least try to ensure that the same degree of international rupture would not happen again. In this respect, the context for the three works in this collection was partly a continuation of the same theoretical

and practical moment that originally prompted Bernstein to address questions of theoretical revision, societal reform, and parliamentary strategy in the 1890s, but also partly represented a new development—specifically, one that added expressly *political* concerns around nationalism, militarism, and imperialism to the *economic* dividing lines that already existed within Social Democracy.

2 THEORISING THE “REPUBLIC OF PEOPLES”: THE SOCIALIST CASE FOR INTERNATIONAL LAW AND INTERNATIONAL INSTITUTIONS

In the works presented here, Bernstein responds to these new political concerns by addressing from various angles the matter of formulating a new social-democratic approach to international relations, in anticipation of the probable contours of the post-war peace settlement. He begins this process in *Sozialdemokratische Völkerpolitik: Die Sozialdemokratie und die Frage Europa*, here translated as *Social Democracy and International Politics: Social Democracy and the European Question*, in which he gathers together 14 essays, all but one of which originally appeared as articles in German and Swiss social-democratic periodicals—*Vorwärts*, *Die Neue Zeit*, *Internationale Rundschau*, *Dokumente des Fortschritts*, and *Leipziger Volkszeitung*—in 1915 and 1916.²⁸ The unifying theme of *Social Democracy and International Politics* is Bernstein’s deep concern at the damage the outbreak of war across Europe wreaked on social-democratic ideas and ideals, the cause of proletarian solidarity, and the credibility of socialist internationalism. This is where he expressly makes the acquiescence of the right wing of the SPD to the interests and rhetoric of the militarist factions in the Reichstag—their approval of further war credits, and their almost unquestioning support for the war’s conduct and continuation—the target of his criticism, arguing that the SPD’s stance is not just a serious mistake but also the main obstacle to restoring trust and cooperation between European social democrats after the war. At the same time, he is convinced that the conditions the war have brought upon Europe make the need for international cooperation more pressing than ever—specifically, the need for a (social-democratic) “politics of peoples” to replace the (capitalist-imperialist) “politics of states”. Consequently, he outlines a framework for future economic and social relations in Europe that aspires to a political-legal order of equal and democratic national self-determination, deliberately rooted in a more pessimistic diagnosis than

that offered by many of his contemporaries of the starting conditions from which such an order would have to be created. In the course of doing so, he examines a variety of related conceptual and practical issues of international politics from a specifically social-democratic perspective, including: the selection and training of diplomats; the reconcilability of patriotism and class struggle; the differences between the concepts of the “state” (*Staat*), “nation” (*Nation*), and “people” (*Volk*); and the role of free trade in underpinning trust and social engagement.

Having dealt with the starting conditions of the post-war peace settlement, and the particular problems it would need to address, Bernstein turns to examine more closely what the political-legal order designed to preserve this peace might look like in *Völkerbund oder Staatenbund: Eine Untersuchung*, translated as *League of Peoples or League of States: An Investigation*, a short monograph published in 1918 based on one of the many speeches and public lectures he gave in defence of socialist reformism against the backdrop of the radical and reactionary tumult unleashed by the German Revolution.²⁹ In *League of Peoples or League of States*, Bernstein addresses the proposals circulating in (especially liberal) legal and political circles for the creation of a supra-state union dedicated to preserving peace. He is sceptical about the possibility of realising a “League of Nations” of the sort defined most prominently by Woodrow Wilson in a way that conforms to the spirit of its long intellectual heritage within an international system characterised by inviolable state sovereignty and imperialist capitalism. Playing on themes that he repeatedly revisits in other works, Bernstein challenges the dominance of US and British proposals among his internationalist contemporaries, arguing that they disempower peoples as active democratic subjects by continuing to treat state institutions as “bearers” of national identities and interests.³⁰ He urges social democrats to reconsider their contingent support for the state as a means of reform and workers’ emancipation, and direct their efforts towards the goal of a “republic of peoples” that unites the institutions of a “league of peoples” with the regulative force of a “law of peoples”. Bernstein sees Social Democracy as the movement best placed to achieve this aim by being prepared to take the steps needed to bring the expansionist tendencies of capitalism under control, and ends with a hopeful diagnosis of the role a newly democratised Germany could play in making this aim a reality.

Bernstein continues and greatly expands his analysis of international law and international institutions in the final work in this collection,

Völkerrecht und Völkerpolitik: Wesen, Fragen und Zukunft des Völkerrechts, translated as *International Law and International Politics: The Nature, Questions, and Future of International Law*, which he published in 1919 during the most intense period of his later literary activity, and which brings together a series of 11 lectures which he delivered in late 1917 and early 1918 at the *Arbeiterbildungsschule* (Workers' Education College) in Berlin.³¹ In *International Law and International Politics*, Bernstein is concerned with elucidating the origins and past effectiveness (or rather lack thereof) of international law, which he frames in terms of the “law of peoples”. Bernstein sees the logic underlying international law as being a fundamentally humane attempt to limit the excesses of modern warfare, but is concerned that past international focus on regulating the laws of war has merely distracted from the ultimate goal of putting an end to war entirely. He argues for an ethical, democratic approach to international relations and criticises German political leaders for undermining attempts to develop strong international legal institutions at the Hague Conferences of 1899 and 1907. Bernstein also castigates German legal theorists (liberal, conservative, and socialist) for their obsequious duplicity in providing the German government’s pursuit of power politics with an intellectual basis, and thereby hollowing out the meaning of the “law of peoples” in the German tradition. He expresses his support for the creation of a corpus of international jurisprudence to govern relations between peoples, hoping that this will free them from the self-serving interests of ruling classes disguised as matters of national “honour”. Finally, Bernstein assesses the proposals for international institutions and legal frameworks put forward in the resolutions of various social-democratic factions, parties, and European congresses, and outlines his own alternative that aims to overcome the limitations of the international bodies created by the final peace settlement after WWI.

Bernstein addresses several related theoretical and practical priorities in these three works, and it is possible to trace a fairly smooth chronological shift in these priorities over the years in which he wrote the original essays and lectures—in part because of changing political and economic conditions brought on by the protracted war, both within the international socialist movement itself and across the wider German and European landscape. In developing his responses to these conditions and their concomitant priorities, Bernstein pursues three discrete strands of social theorising. First, he is urgently concerned to diagnose the social, political, and economic problems within Germany, across Europe, and

beyond, concentrating especially on the role social democrats might have played (deliberately or through omission) in allowing them to come about. Second, Bernstein gradually moves onto considering critically the existing non-socialist and non-social-democratic proposals for addressing some of these problems as these are beginning to take on more concrete, developed shape in parallel to his own work, focusing especially on the dangers of conservative proposals—which he rejects outright—and the limitations of liberal proposals—to which he is broadly sympathetic but which he thinks do not go far enough. Finally, he formulates new alternative theoretical and practical proposals from his particular socialist or social-democratic perspective, oriented towards expanding and institutionalising the guiding principles and structures of international law and international politics.

But these three strands to Bernstein’s thought—which could be called “diagnostic”, “critical”, and “positive”—do not always carry equal weight throughout the three works, and Bernstein himself only rarely demarcates an explicit shift between them in his analysis. Certainly, one of Bernstein’s major strengths as a theorist is his diagnostic “edge”. Throughout all of his works, Bernstein specialises in fielding substantial amounts of empirical data and vast swathes of contemporary philosophical, historical, and sociological literature, and leveraging it all to inform the assumptions that underpin his arguments. It is the same tendency that emerges, for example, in his use of data about the numbers and distribution of shares and shareholders, changes in income and property distribution, numbers of employees in small-, medium-, and large-scale enterprises, and the sizes of agricultural holdings in *Preconditions* to support his argument about capitalism’s greater-than-anticipated adaptability, which originally attracted the ire of Luxemburg and his other detractors.³² At the same time, like all good Marxists—and, for all the accusations of revisionism and “selective” reading of Engels, Bernstein still saw himself to some degree as trying to advance and improve the theory of scientific socialism beyond the personal beliefs and writings of its founders—he also revels in critique.³³ He vehemently opposes all hints of reactionary oppressive or exploitative tendencies, not just among conservative and liberal chauvinists but especially within Social Democracy (and above all the German SPD), and he has a penchant for choosing individual standard-bearers of opposing positions—from legal theorists (Paul Eltzbacher, Franz von Liszt) to politicians (Bethmann-Hollweg, David, Heine, Scheidemann)—as his *bêtes noires*, although he never quite strays into the realm of pure *ad hominem* polemic.

However, it is in his work as a positive theorist that Bernstein is at his most elusive and where, at times, it can be difficult to establish what his own position is. Bernstein often “speaks through” other people who have (he thinks) expressed a particular point he wishes to make or who represent a perspective he also shares especially trenchantly or eloquently—here, the list includes Nelson and Vandervelde, as well as George Bernard Shaw and Jean Jaurès—and he prefers to implicitly endorse their views rather than explicitly assert his own arguments.³⁴ Bernstein also has the habit of going into frankly pedantic amounts of unnecessary detail—such as questioning a typographical error in Aladár von Návay’s trade statistics or pondering the implications for national sea borders being determined by the range of coastal gun batteries—which means his argument often seesaws from the heady heights of grand philosophical reasoning and ideological conceptualisation to genuinely petty concerns.³⁵ Moreover, in places, his writing can leave one a little frustrated, as he often comes close to offering something akin to a profound new insight or theoretical innovation, only to sidestep into a historical anecdote, exemplifying case study, or lengthy (and usually approving) quotation from an apposite source. Whether this is a savvy technical move on Bernstein’s part to dodge the repression of the German censors, a didactic strategy to inform his readers of important events and familiarise them with other sources of socialist thought (rather than hectoring them with sloganeering or boring them with theoretical nitpicking), or merely evidence that his own position was still in a state of evolution, is not always clear. But regardless of the reason, the result of Bernstein’s approach—exacerbated by his customary use of essays as a favoured medium of delivery—is that many of his thematic interests, principled positions, deeper commitments, or reasoned inferences emerge as much obliquely, even impressionistically, from the totality of these works as they do from the actual texts themselves. The overall effect is thus one of many crystalline pieces of a mosaic coming together incrementally to build a partly notional, but clearly entirely complex, ideological whole.

Nevertheless, some common themes emerge clearly from all three works. In many ways, Bernstein’s central concern in these works is restoring “the people” (*Volk*) as the proper unit of analysis in international politics, as opposed to “the nation” (*Nation*) or “the state” (*Staat*). Fundamentally, echoing Johann Gottlieb Fichte, he argues that “the people” comprises all the classes of a population demarcated by a shared use of language—except for “mere drones and their retinue”, which could

equally refer to the (from a Marxian perspective) unproductive rentier class or the *lumpen* underclass.³⁶ Bernstein contrasts this with “the nation”, which he sees as the political unity of members of a country, constituted by a people that has become politically self-conscious, and makes the case for social democrats to better recognise the social importance of national self-consciousness—similar to the arguments of contemporary and later authors (some among them Marxists) on nationhood and nationalism, including Max Weber, Joseph Stalin, Walker Connor, and Benedict Anderson.³⁷ For Bernstein, the distinction between “people” and “nation” is essentially political, and he characterises “the people” as a profoundly democratic construction, while stressing that the concept of a “nation” is compatible with rule by the members of a population’s privileged classes. At the same time, he argues that the “solidaristic consciousness” of a people is not irretrievably wedded to the existence of a state in any form, whereas the concept of nationhood has become especially closely dependent on the statist bias of contemporary political theorising.³⁸ The state, for Bernstein, is only a particular “bearer and expression” of certain power relations within a population, while it is the people that constitutes this population and gives the state its so-called national character.³⁹ In other words, in line with many traditions within nationalist thought, he sees peoples and their politically self-conscious forms, nations, as the precursors and prerequisites of state institutions, not *vice versa*. But whereas nationalists see the state as the highest pinnacle of institutionalisation that a people and its national consciousness can attain, Bernstein argues that such institutionalisation is far better achieved through peoples’ equal membership of a global community.⁴⁰ He is sceptical of the extent to which the divide between state and people can be bridged via a mere extension of the democratic franchise and other political rights, as the state is still dominated by bourgeois capitalists rather than by the social classes that comprise the people—especially if the propertyless popular mass is not suffused with the idea that it has vital political agency in crafting and transforming the state edifice, but instead languishes in “social and cultural immaturity”.⁴¹ Instead, Bernstein argues that the only way for peoples to “develop their own life” is as “member[s] of the international union of peoples”, and that their manifestation in territorially bounded state institutions, while instrumentally useful to this self-development, must be overcome when it has exhausted its usefulness to the people—that is, when a better alternative emerges, such as the construction of a network of international legal institutions.⁴²

From this starting-position that the political interests of a people can be met in better ways than through their current existence as national self-consciousness and state institutions flows Bernstein's attempt to resolve the impasse between nationalist and internationalist tendencies in Social Democracy by articulating a unique socialist perspective on the issue of *patriotism*. Bernstein espouses a sympathetic view of patriotism that is mostly lacking in orthodox Marxian thought—except for later accounts of “national communism” or “socialism in one country”—and for Germany in particular consciously seeks to reclaim a moderate conception of patriotism from its (to him appalling) monopolisation by assertive Prussian nationalism.⁴³ He observes that there are many different possible patriotisms, contrasting Chesterton's “nationalist patriotism” with the “imperialist patriotism” of Rudyard Kipling, and argues for a greater appreciation among socialists of the revolutionary (Jacobin) origins of patriotism as a mark of commitment to democracy and republicanism, against aristocracy, oppression, and other forms of reaction—what Hans Kohn would later call a “civic” approach to nationhood and citizenship.⁴⁴ In particular, Bernstein sees no necessary opposition between patriotism and class struggle—for him, it is “not a matter of whether someone loves his country and his people, but *how* he loves it, and how he conceives of its position in the family of peoples”—but suggests that a “socialist conception of patriotism” characterised by loose ethical precepts such as “honour”, “sportsmanship”, and “chivalry” must be underscored by a clear political worldview which only the “education” of the class struggle can provide.⁴⁵ Further, Bernstein seeks to free the wider economic characteristics of patriotism from a narrow, myopic protectionism—which, whether in the form of customs unions or attempted autarky within countries or among allies, he decries as little more than a means of trapping peoples in subjection to prevailing state structures—and offers a radical interpretation of the German nationalists' hero Fichte *en route* to expounding a vision of patriotism that embraces cosmopolitanism and free trade.⁴⁶ This, in turn, leads him to argue that the socialist movement must consciously pursue not just a (democratic) patriotic domestic policy but also an independent, internationalist foreign policy in order to motivate, mobilise, and satisfy social-democratic party members. Above all, *contra* Heine, it must not allow itself to become distracted by the purported “realities” associated with the contingent conditions of a people's realisation in national or state institutions—such as their country's relative strength or its inclination towards territorial expansion—as this will lead it to sacrifice the crucial

internationality of its socialist identity.⁴⁷ Overall, Bernstein introduces to social-democratic theory a sensitivity to differences in geography, culture, and historical experience that sits at odds with the somewhat homogenising, “abstract”, broad-brush approach of late nineteenth-century socialist internationalism. However, unlike the nationalists of his day, he rejects out of hand appeals to “historical right”, not just (explicitly) as the basis for irredentist claims to foreign territory but also (implicitly) as grounds for discrimination among the members of a given population—that is, against contemporary attempts to make a person’s claimed right to membership of a people dependent on the need for ethnic homogeneity within it.⁴⁸

Bernstein’s attempt to inaugurate a new socialist conception of patriotism is inspired by two of his central principles in the domain of foreign policy: *anti-imperialism* and *anti-militarism*. For the former, he is extremely critical of the hypocrisy of the SPD *Praktiker* in supporting key socialist and democratic principles of independence and non-interference only to the extent that they did not inhibit the interests and integrity of Germany and its allies, rather than cleaving to the venerable socialist tradition of fighting to end the imperial bondage of minority peoples.⁴⁹ In contrast to them, Bernstein himself unequivocally condemns imperialism as an intolerable burden, both for peoples who are engaged in it and those who are its victims. Imperialism, in his view, is favourable only to certain economic interests, whereas the costs of imperial escapades are typically borne by the whole nation, and he questions the historical capacity of imperial states to adequately allow for the development of their constituent nations, arguing that the apparent peace and stability they provide can never be truly lasting as long as they are built on oppressive political structures.⁵⁰ As a policy, Bernstein suggests that imperialism is a result of the fact that a state’s foreign policy always lags behind the political developments spearheaded by its domestic policy, arguing that foreign policy is “kept backward” by the strategic corruption of leading politicians by the prevailing economic interests—in the case of modernity, the growing power of finance capital, as also argued separately by liberals such as John Hobson.⁵¹ However, unlike many contemporary socialist critics of imperialism, such as Luxemburg and Lenin, Bernstein does not quite share the fairly sweeping characterisation of all capitalist economic practices as inherently tied to imperialism. Instead, he insists that a qualitative difference must be made when analysing the protectionist versus free-trade policies of economically developed states, with the former far more conducive to imperialist policies than the latter.⁵² Bernstein’s views on

colonialism are similarly nuanced, although still generally consistent with the anti-imperialist and emancipatory tendencies of socialists and left-leaning liberals with otherwise very different ideological commitments.⁵³ He baldly outlines both the pragmatic and ideological (specifically, racist) origins of systems of semi-sovereignty and colonial legal administration, noting that they were extensively fuelled by capitalist exploitative interests.⁵⁴ Further, he is convinced that many of the pre-WWI proposals for greater international cooperation were effectively rendered toothless in the face of capitalist colonial aggression and argues that ultimately only the transition to socialism coupled with serious efforts at building international institutions will bring an end to expansionist war.⁵⁵ Yet at the same time, Bernstein wants to rescue the ideals of the Enlightenment, and especially European political and legal frameworks for international application, irrespective of their racist baggage, and he questions whether any peoples in the world could truly have a vital interest or right of autonomy that went against the grain of the “general development of civilisation”.⁵⁶ As a result, unlike many of his contemporaries’ contributions to debates about socialism’s anti-imperial tradition, Bernstein does not straightforwardly decry—in fact, partly endorses—the self-declared “civilising mission” of European colonialism, leaving him vulnerable to what contemporary critics of Eurocentrism would immediately recognise and condemn as crude epistemic and ethical imperialism.⁵⁷

For the latter principle, Bernstein’s hostility to militarism is intimately connected to his strong support for a very particular conception of pacifism. Fundamentally, Bernstein sees the “cultural history” of mankind as being fundamentally pacifistic in nature, geared towards finding ever new ways of “overcoming” war, and he vociferously challenges what he perceives as wholly unjustified arguments that war is a “natural” state for humanity, personified by Erich Kaufmann and his empty legalistic word-play.⁵⁸ He is scathing of the wilful militarism of much German jurisprudence, in particular bemoaning the close connection of “justice” in international law with the comparatively unambitious goal of preserving a balance of power between states, and offers one of the earliest instances of criticism aimed at what would now be seen as the academic wing of the military-industrial complex.⁵⁹ It is easy to see Bernstein’s focus on peaceful cooperation between peoples as a rejoinder to conservative and other nationalist militarists, chauvinists, and imperialists. While this was surely partly his intention, his arguments are also an intervention in socialist theory, specifically to counter the arguments of nationalists such as

Cunow, Paul Lensch, and Konrad Haenisch, who sought to legitimise the SPD's support for the German government's war conduct by replacing the rhetoric of class struggle with that of the struggle between peoples, inspired by the nationalist Hegelian-Marxist sociologist Johann Plenge.⁶⁰ On the question of the SPD's stance, Bernstein argues in an originally censored passage that socialists in other countries made a careful distinction between supporting a bourgeois government in the case where one's country was attacked, and participating in the formulation of militarist policy, with only the latter being subject to any sort of reproach. In Bernstein's view, it was the SPD's real or apparent leaning towards the latter decision that incurred the outrage of socialists outside Germany. This, in turn, directly informs Bernstein's view on pacifism. He sees the obligation to national defence as so self-evident that it should be beyond party-political stipulations. As a result, his pacifism is a pragmatic one that makes a clear exception for defensive war and thus mostly constitutes an objection to rampant militarism, ideas of "armed peace", armaments races, and imperialist expansionism.⁶¹ Ultimately, Bernstein's aim is to introduce a pacifist strand into "Marxist Social Democracy", manifested in policies including the "radical suppression" of the armaments industry, and a socialist-pacifist case for free trade against the warlike tendencies of protectionism, which he sees as having gradually started to pervade the SPD's thinking.⁶² But he is also mindful that Social Democracy needs meaningful party unity in order for such a pacifist programme to stand a chance of being implemented, arguing that minorities within the movement cannot act on their own except as pioneers, and must attempt to persuade the opposed majority factions—a clear last-ditch *cri-de-cœur* against the imminent fragmentation of the SPD.⁶³

Bernstein takes the view that imperialist and militarist tendencies in foreign policy are best kept in check by a full-throated commitment to *parliamentarism* and *parliamentary oversight*. With the war credits vote weighing heavily on him, Bernstein argues that the courtly aristocratic secretive traditions and the opaque and oligarchic processes of diplomacy, which were explicitly designed to remove the *arcana* of foreign policy from the prying eyes of the public, contributed to war being declared against the demonstrable interests of the majority of each of the participating countries' populations.⁶⁴ He echoes Shaw in demanding much increased democratic accountability of foreign ministers to parliamentary representatives, and suggests that all future wars must be made subject to a popular democratic decision, in order to impose a constitutional check on the

executive's scope of action in foreign policy, especially its ability to authorise military actions and sign treaties—echoing arguments around the need for increased public insight into all matters that counted as “public affairs” current among contemporary socialists (Ferdinand Tönnies), liberals (John Dewey), and even conservatives (Carl Schmitt).⁶⁵ But Bernstein goes beyond merely demanding the democratisation of foreign policy, and proposes the publicisation, socialisation, and even internationalisation of the full legal processes around warfare, casting this as a way of undoing the “privatisation” of war, of ending it “as a kind of private affair of individual states”.⁶⁶ Bernstein picks apart the question of whether parliamentary democracy or absolutism is better at giving governments a constant, reliable position in their foreign policy, arguing that “more parliamentarism” is needed to counteract the pernicious effect of the excessive personal influence of absolutist monarchs over foreign policy, on the basis that a monarch's personal sovereignty is an extremely risky check to the reflection of ebbs and flows in public opinion among elected representatives and political parties.⁶⁷ All in all, Bernstein makes a spirited defence of the legitimacy and usefulness of parliamentarism and socialist participation in electoral democracy, in line with his first theoretical endorsements of the activities of the SPD parliamentarians in the late 1890s. But this time, he urges greater social-democratic support for parliamentarism on the basis that a socialist understanding of parliamentary democracy is the only governmental form that is internally consistent with a peaceful foreign policy—because imperialism flouts the core democratic principles of equal rights and absence of privileges—and in order to avert the dangers of vagueness and contradiction in Germany's constitutional arrangements, arguing that “[t]wilight has always been the best opportunity for all deceivers”.⁶⁸ At the same time, Bernstein is also implicitly advocating the germs of a complex theory of entryism, whereby in order to effect a full socialist transformation of society, socialists and social democrats have to win positions in all branches of government, including the differentiated and hence specialised occupations of legislators and administrators—that is, not just winning election to parliament but also effecting a takeover of the bureaucratic organisations (civil service, agencies, etc.) responsible for implementing government policy, here specifically foreign policy.⁶⁹

Bernstein's staunch commitment to pacifism and parliamentary democracy is also closely intertwined with his understanding of the role and importance of *international law*. He insists that the only possible democratic form of foreign policy is a “politics of peoples”, driven by peoples

and their “necessities of life”, that operates within the framework of an international legal system incorporating the right to democratic national self-determination for all peoples.⁷⁰ In the first instance, Bernstein criticises contemporary understandings of international law for being insufficiently radical and pacifist, as by defining international law as *prima facie* a “limitation of war”, they implicitly legitimised war as a social activity.⁷¹ He observes that the constant progress of technology (especially military technology) will always create material circumstances that expose oversights and flaws of logic in the law of war, jeopardising the effectiveness of even those principles on which international agreement has been secured, with the strong implication that the efforts of jurisprudence would be better directed at trying to end war entirely rather than merely seeking to regulate it via half-measures.⁷² In particular, the abject horrors of total war clearly demonstrated the need for international efforts to secure peace, regardless of the theoretical considerations that might still need to be ironed out, and Bernstein details how international cooperation, often led by philanthropists or unofficial international organisations, had begun to impose some limits on war conduct before WWI—albeit limited by the national, class, and racial prejudices standing in the way of freedom of movement between member-states within the international community.⁷³ For Bernstein, one of the key flaws of contemporary international jurisprudence lay in its insistence on the sanctity of existing states, their structures, and their borders, conceived in highly Eurocentric terms. He approvingly cites Nelson’s critique of the false democracy of equality between states of vastly different sizes and differently large populations posited by conservative (German) constitutional and international jurisprudence, on the basis that the size and spatial extent of states can often disguise their level or capacity for economic and social development.⁷⁴ Instead, Bernstein insists that a social-democratic conception of international law must include the right for all subject peoples to attain, or be granted, autonomous statehood—albeit on a contingent, even instrumental basis, given his expectation that state formations would ultimately be superseded—in line with the long-standing support of many socialists for emancipation struggles. He also strongly endorses, *contra* Liszt, the idea of state-forming and state-preserving plebiscitary resolutions to questions of territorial acquisition and cession over mere reliance on conquest or congress decisions.⁷⁵ Almost in the same breath, he lays extensive blame at the door of the SPD majority faction for refusing to countenance the SFIO’s demand for a plebiscite to determine the future of Alsace-Lorraine, and thereby preventing the development of a European socialist case for

democratic self-determination, rather than its imposition by Anglo-American liberals.⁷⁶ An international legal framework that has peoples' right to self-determination at its core is, for Bernstein, essential for any attempt at a lasting peace settlement after the war, and is the only one truly worthy of being called a "law of peoples". However, he also notes that such a law of peoples, understood as a series of these rights, also necessarily entails the creation of a series of obligations that require individual peoples to make sacrifices for the common interest of the peoples of the world. By this, Bernstein means above all curtailing the privileged global status of imperial state formations, and he suggests that the twin tendencies towards weakening imperial states by the secession of their provinces and by the emergence of international law could help bring about the "withering-away" of these formations—albeit in the more concessive sense of the break-up of state institutions into autonomous but interrelated self-governing national units, rather than the complete disappearance of political authority anticipated by orthodox Marxism.⁷⁷

This conception of international law also influences Bernstein's view of the purpose and character of (past and future) *international institutions*. Fundamentally, he views such institutions as being primarily concerned with the theoretical and practical problems of developing and enforcing a pacifistic international law, or rather a law of peoples.⁷⁸ Bernstein notes that the need to deal with certain practical problems of international politics has led to the emergence of congresses and standing commissions vested with the sort of legal supremacy ordinarily jealously preserved for state sovereignty, and he argues that institutions like an international court of experts to settle legal disputes over interpretation or scope—such as were proposed before the war—are essential for securing peace in future.⁷⁹ But, in his view, these institutions cannot alone provide the amount of cooperation and harmonisation needed to address the political and economic problems that Europe and the wider world would have to confront after the war. Rejecting out of hand both the continuation of the prior policy of the balance of powers and the idea of placing Europe under the leadership of a single hegemon, as both liable to foster an endless succession of further conflicts in future, Bernstein sees the only democratic solution, and the only one that Social Democracy should countenance, being the formation of a "European union of states". Although in the first instance, such a union would be used to oppose both Junker militarism and Russian tsarism, Bernstein also regards it as a stepping-stone towards the establishment of such a union at the global level.⁸⁰ But he warns that such a global pacifist union, founded upon democratic or republican

principles, will be impossible as long as theorists of international politics (socialists included) hesitate to part company with their outmoded and highly conservative belief in the state.⁸¹ A truly democratic “politics of peoples”, for Bernstein, must realise the solidarity of all peoples through the establishment of a “league of peoples” founded on the principle of absolute equality between them—including, for instance, a world parliament directly elected by voters around the world, despite the obvious difficulties entailed in realising this.⁸² True to his reformist inclinations, Bernstein sees both the Allied and German *liberal* proposals for a “League of Nations”—for which he reserves the phrase *Bund* (“League”) or *Verein der Nationen* (“Society of Nations”)—as considerable advances on what has gone before (i.e., interstate anarchy), but argues that the League of Nations as actually instated, which received the misleading German title *Völkerbund*, falls drastically short of a genuine “league of peoples” in practice.⁸³ Ultimately, Bernstein believes that the gradual emergence of international institutions has already placed humanity on an inexorable trajectory towards a socialist republican world state—a higher authority which he characterises as a “republic of peoples”—and he predicts that, insofar as such a European or global union came to fruition with the expansion of international law, the “external intercourse” of states would lose its familiar characteristics, including the complete abolition of state diplomacy as we know it.⁸⁴

Lastly, Bernstein summarises his comments about political principles and institutions with an overarching defence of the *quasi-autonomy* of “*the political*” (and, insofar as this constitutes a separate domain, “the legal”) from “the economic”, thereby deprioritising economics as the sole driving force of the form and constitution of society. Although he fundamentally still sees “the economy” as “the fundamental material condition of cultural progress”, he agrees with Julius Motteler that “there is more to the social than the economic”, observing that “the social” also encompasses political and cultural aspects (and perhaps others) that are partly independent of the economic focus on production, and cannot be reduced to pure determination by economic interest.⁸⁵ Bernstein argues that there is no immediate, direct relationship between the level of development and distribution of economic functions and the level and distribution of social power within a population, though he acknowledges that there is a “tendency” to bring the two into a “balanced relationship”, but insists that this relationship is strongly bidirectional, with the political and cultural domains able to have clear material effects on economic conditions.⁸⁶ His case study for this is the relative significance of small and large states, and

he rejects contemporary comparisons with the survival or disappearance of small and large business enterprises on the basis that the tasks of states and businesses are entirely different.⁸⁷ Instead, Bernstein offers some rough-and-ready proxy statistics for the geographic size, economic strength, density of social intercourse/traffic (both covered by the German word *Verkehr*), and level of cultural development of various nation-states to show the indirectness of the connection between these criteria, using them to argue for the equal position of all states—or rather, of all peoples—because they each have different strengths in their different social domains.⁸⁸ In line with his rejection of “vulgar” Marxian economic determinism, Bernstein recapitulates his by now familiar theme of criticising orthodox Marxists for failing to adequately take political and legal institutions into account, suggesting that social democrats’ approach to politics, law, and culture needs to undergo similar revisions to their economic perspective.⁸⁹ He attaches to this a paean in support of party politics and parliamentary strategy as intrinsically important areas of social activity, and issues a “rallying-cry” against the tendency within *Praktiker* circles of appeasing, accommodating, or even aligning with anti-democratic political tendencies.⁹⁰ Bernstein lambasts the lamentable appeasement by German liberals—and the SPD right-wingers—of the most reactionary tendencies of militaristic German conservatives, and observes that, for all kinds of political issues (such as the use of plebiscites to resolve secessionist statehood claims), even the notionally ultraconservative governments of Germany and the other Central Powers had been better allies to socialists and democrats than the liberals.⁹¹ If there is to be a “liberal-socialist” *rapprochement* then, for Bernstein, this cannot entail Social Democracy succumbing to “the influences of imperialism and militarism”, but must rather involve seeking areas of ideological overlap and collaboration between those on both the proletarian and bourgeois side who still retained their radical inclinations from the time before the mood of assertive nationalism set in at the end of the nineteenth century.⁹²

3 BERNSTEIN’S LEGACY: SOCIAL DEMOCRACY BETWEEN PEOPLES AND THE WORLD

Altogether, these themes frame Bernstein’s hope, expressed in a patriotic-republican tenor, for a freer, more social, peaceful, internationalist, and democratic world. There are clearly some extremely radical ideas that emerge from Bernstein’s works: internationalisation of international rail

and sea routes, mandatory amendments to state constitutions, popular representatives (i.e., parliaments) having the final say over declarations of war, and (via his inclusion of the USPD's Stockholm manifesto) a spirited defence of free trade and freedom of movement, as well as significantly more drastic proposals for democratising foreign policy than are in place even a century later.⁹³ Here, one must make a perhaps inevitable parenthetical observation about these works, namely that they cannot but be read now, at least partly, in the knowledge that barely 15 years after Bernstein published them—and mere weeks after his death—Germany and later Europe would fall prey to the most egregious apotheosis of exactly the militarist, imperialist, and national-chauvinist tendencies he so bitterly abhorred, and which he sought to fight in his party as well as his country throughout the last 30 years of his life. Yet it is hard to argue that Bernstein—hopeful as he was about the prospects for international peace and cooperation—would have been entirely shocked by the descent of German society into vicious, sectarian totalitarianism. He would have been especially unsurprised at the rapid co-option of a whole raft of German intellectuals, hitherto held in the highest international regard, into at best tacit appeasement and at worst explicit abetment of the Nazis' racial policies and eugenics programmes, and their destruction of Weimar Germany's nascent democratic institutions—one thinks of Schmitt and Martin Heidegger as the most prominent examples. After all, Bernstein lays the blame for the “mainstreaming” of jingoistic militarism and imperialism in the lead-up to WW1 at the feet not just of the German government and its propagandists, but of German academia as a whole, and German jurisprudence in particular, whose “intellectual epidemics” of chauvinism produced justifications for any manner of atrocities against civilian populations.⁹⁴ From a late-modern perspective, then, it becomes impossible not to see parallels between Bernstein's often-polemical assault on the intellectual legitimisation German scholars provided for the most extreme annexationist aspirations of the Wilhelmine regime and the similarly anguished *J'accuse* launched by Jürgen Habermas after WW2—as part of the wider *Historikerstreit*—at the obeisance of German academia to the crimes of the Nazi regime.⁹⁵

This raises a question about the expectations Bernstein might have had for the realisation of his proposals: did his optimism stretch to assuming that Social Democracy (in Germany and further abroad) would be up to the task he had set for it? Certainly, Bernstein's addendums to both *League of Peoples or League of States* and *International Law and International*

Politics reveal a fierce but wary hopefulness about the prospects for the expansion and democratisation of international institutions, and in *Social Democracy and International Politics*, he argues that, of all parties and ideologies, only Social Democracy was capable of healing the material and spiritual wounds the war had inflicted on peoples and societies. But the reason he gives for social democrats to assume a special role in the reconstruction of Europe is rather curt and sobering:

Social Democracy did not prevent the war that has torn Europe apart, and has also done nothing to cut it short up to now. All the more does it have an obligation to commit all its strength to reconstructing the Europe that is to come.⁹⁶

In the same vein, Bernstein castigates the SPD majority faction's "peace" manifesto for being a "proclamation" of the "lack of influence", "lack of will", "self-emasculation", "impotence", and "lack of goodwill" of German Social Democracy to be a meaningful contributor to the post-war reconstruction of Europe.⁹⁷ If Social Democracy was to become a dominant force in international politics again, then clearly—in Bernstein's eyes—it had a lot to learn. In particular, it had much to learn from the "Anglo-Saxon" approach to international relations, which Bernstein credits with having introduced the first meaningful democratically inspired pacifist and internationalist measures within the pre-WWI international system, in contrast to the long-standing intransigence of the Central Powers (especially Germany) that prevented these measures from being fully realised. Bernstein throws back the familiar barb aimed by critics at his well-known Anglophilia—namely, that he saw the world through English spectacles—by accusing those in the SPD with militarist and nationalist leanings of seeing the world through "black-white-red or black-and-yellow spectacles" (the colours of imperial Germany and Austria).⁹⁸ In place of its acquiescence to the militarism of the Prussian Junkers, Bernstein exhorts the SPD to become more English in its philosophical outlook or at least become better acquainted with the wealth of English progressive (let alone socialist) political thought—a view he had held consistently since his years of exile.⁹⁹ At several points in these works, Bernstein is palpably anxious to communicate the salient details of the (in his opinion) superior "English view" on the war to his readers, relying heavily on his long experiences of being steeped in English progressive thought in exile, perhaps most visibly in the passage on "fair play" in

war.¹⁰⁰ Though he never says so explicitly, Bernstein is acting as an intellectual bridge between at least certain strands of English socialist thought—Shaw, the Fabians, Ramsay Macdonald, and Keir Hardie all make appearances—and the intellectual currents coursing through German Social Democracy. Whether or not he himself was intellectually anglicised by his experiences, he could clearly be viewed, at least partly, as seeking to slightly anglicise the outlook of the wider German left.

This, in turn, prompts a further question that goes beyond the specific influences on Bernstein's thought: how successful was he in effecting the transformation he hoped for within Social Democracy, both in general and on international questions in particular? Or, from another angle: how far has Social Democracy in fact followed the kind of intellectual and strategic trajectory Bernstein envisioned in the century since he wrote these works? Bernstein's views on how a social-democratic party should confront the problems and priorities of international politics are neatly encapsulated by the end of his *coda* to the final essay in *Social Democracy and International Politics*:

A Germany whose Social Democracy proves itself a strong and resolute opponent of imperialist tendencies will be seen very differently by peoples than a Germany whose Social Democracy lays down arms before them as soon as the occasion arises. Anyone who does not wish to risk the war continuing until both sides have bled dry will understand the view that a German social democrat renders his people the greatest service if he places value on offering—and determines his policy so as to offer—the world the certainty that Germany's Social Democracy is, just as before, the unrelenting opponent of all imperialist *Machtpolitik*, and that it cleaves unshaken to the idea of regulating the relations between peoples in accordance with peoples' democratic right to self-determination and the international solidarity of the proletariat.¹⁰¹

If the core lesson that Bernstein wished Social Democracy to learn from the SPD's mistakes before and during WWI was the need to oppose imperialism in all its forms, then its subsequent record suggests that it has done so only to a rather mixed degree. Centre-left parties across Europe and beyond which carry the social-democratic label have generally adhered to the anti-imperialist line when in opposition, but when in government, the same parties have far too often at best turned a blind eye to, and at worst supported or even instigated, what Bernstein would consider militaristic imperialism in various guises—ranging from the First Indochina War

waged by France under Vincent Auriol and the SFIO to Britain's involvement in the Afghanistan and Iraq Wars under Tony Blair and the Labour Party. This is especially visible with formerly proletarian parties that are co-opted into *liberal* (i.e., bourgeois) projects of “humanitarian interventionism”, such as Germany's contribution to the NATO intervention in the Kosovo War under Gerhard Schröder and the SPD, or France's formation of a military coalition against the Islamic State in Iraq and Syria under François Hollande and the PS—which, in another grim historical echo, are all too frequently given theoretical window-dressing by left-leaning academics, most recently in the form of the “intellectual epidemic” of political theories of “just war”.¹⁰²

In other words, it seems that the record of social-democratic parties over the last century appears to offer at best only partial validation for Bernstein's decision to rest his hopes for the future peace and progress of the world on Social Democracy as a movement. In this light, it becomes tempting for thinkers and activists on the left and centre-left to simply turn away from social-democratic ideology entirely, and reject Bernstein's efforts to articulate an independent position that bridged the contrary pulls of socialist theory and social-democratic practice as an impossible ideal. Either, like the Spartacists, and their modern successors from traditions as rich and diverse as autonomism, participism, and various overlapping combinations of communism, anarchism, and syndicalism, they downplay reformist strategies oriented towards capturing power in national parliaments in favour of protests, strikes, occupations, and other forms of direct and revolutionary action, increasingly coordinated across borders and via international networks. Or, like the *Praktiker*, and the current inheritors of their mantle from advocates of the Third Way tendency, market socialism, and welfare capitalism, they acquiesce to operating within the rules of national and international institutions shaped and dominated by liberal-capitalist ideas and practices, and limit themselves to managerialism, technocratic policymaking, and battling for incremental improvements within their parochial domestic contexts. Arguably, however, both of these turns are something of a mistake. Their effect is merely that of hollowing out the intellectual foundations of Social Democracy while leaving unchanged the fact that social-democratic parties still represent the dominant institutional force for progressive politics within parliamentary democracies the world over—that is, they exacerbate the “Crisis of Social Democracy” without offering any alternative to take its place.¹⁰³ Given these institutional conditions, a rejuvenation of

social-democratic theory is more necessary than ever before, and returning to its origins in the thought of Bernstein and others becomes a vital part of the process of uncovering ideas and revealing trajectories that might shed new light on the pressing issues of contemporary society—patriotism and internationalism, war and peace, and the capacity of politics and law to achieve meaningful progressive transformations.

4 NOTES ON THE TRANSLATION

With the exception of three articles from *Social Democracy and International Politics*—which I have translated here as “The Socialist Concept of Democracy”, “The Value of the Workers’ International”, and “A Manifesto of the Majority Fraction in German Social Democracy”—that were included in the comparatively recent (1996) collection *Selected Writings, 1900–21* (edited by Manfred Steger), the works presented in this collection are translated in full here for the first time.¹⁰⁴ As such, they contribute a large portion of new material to the comparatively sparsely populated and fragmented set of Bernstein’s works that are currently available in English translation, and round out the available sources with which social theorists and historians can characterise and understand Bernstein’s development as a foundational social-democratic thinker.

Bernstein’s style of writing fluctuates noticeably across the essays and lectures that form the basis for these three works, depending on the audience he had in mind for each one. I have tried, as far as possible, to reflect his engaging, part-analytical, part-narrative, at times even conversational style in the English translation, especially the intensity of sentiment that marks some of the more polemical passages. Although I have been careful to bear in mind the linguistic usages and conventions of Bernstein’s time, I have also adjusted the language and style in places to conform more closely to the expectations of a modern Anglophone audience. In particular, one stylistic implication of the major disparity in size between the vocabularies of German and English is that repetitiveness is both proportionately less desirable and more avoidable in English than it is in German. This is evident in several passages in these works, and I have tried to balance the need for consistency in translating Bernstein’s choice of rhetoric or conceptual vocabulary with the need to reflect the eloquence of his original texts. In addition, I have used Bernstein’s original emphasis throughout the works, replacing the increased letter-spacing (*Sperrschrift*) in the German text with the more customary italicisation in the English,

and retained the (to modern eyes) glaring gender bias in the original to reflect both Bernstein's own mode of expression and the historical norms of his era.

By nature of the themes Bernstein addresses, especially his critical stance towards many of the unthinking errors and internal contradictions that have crept into the use of certain major theoretical concepts of international relations and international jurisprudence, some of his vocabulary is highly specific and idiosyncratic, to the point of being unfamiliar to modern German and English readers. *Völkerbund*, *Völkerrecht*, and *Völkerpolitik* are three prominent examples: since Bernstein lays so much weight on the distinction between “peoples” and “nations”, I have chosen to translate these in most cases as “league of peoples”, “law of peoples”, and “politics of peoples”, rather than the more normal “League of Nations”, “international law”, and “international politics”. The same, given the distinction Bernstein wishes to make between “peoples” and “states”, is true of *Staatenbund*, *Staatenrecht*, and similar constructions, for which I have typically used an apposite term such as “confederation” and “inter-state law” or “law of states”—with the term *Staatsvolk* (“constitutive people [of a state]”) posing a particularly thorny challenge. The word *Bund* carries a particularly diverse set of meanings and connotations, including “league”, “union”, “alliance”, “association”, “confederacy”, or “federation”, although I have tended to use “league” in most cases, except where the context obviously requires another meaning. The same also applies to *Herrschaft*, which—thanks to Weber—now commands a wide range of possible meanings, such as “rule”, “dominion”, “dominance”, and “authority” depending on the context. Bernstein uses the word *Sozialdemokratie* in the conventional German fashion to refer not just to social-democratic ideology but also to the whole social-democratic movement, including the members of social-democratic parties. I have chosen to follow the convention of other translators of Bernstein by rendering this as “Social Democracy” (deliberately capitalised)—with the same for related concepts such as *bürgerliche Demokratie* (“Bourgeois Democracy”) and *proletarische Demokratie* (“Proletarian Democracy”). Apart from these, I have also occasionally retained Bernstein's original German terms in square parentheses in-text in order to clarify any ambiguities or obscurities in the translation I have chosen.

Lastly, Bernstein draws on a vast array of sources throughout his works, ranging from magazine articles and parliamentary records to legal scholarship and Biblical and literary quotations. However, he only rarely provides

his own references for the relevant sources, so I have completed these citations (with a few exceptions), making particular effort to locate original texts where Bernstein uses translated quotations from other languages (most commonly French or English). Where Bernstein provides his own footnotes, these are indicated with the use of square parentheses and the addition of “Ed. B. —” at the start. I have taken the liberty of adding an extensive apparatus of further notes for the benefit of readers who do not share the familiarity Bernstein simply assumes with the major figures and intellectual debates of his time.

NOTES

1. Manfred B. Steger, *The Quest for Evolutionary Socialism* (Cambridge: Cambridge University Press, 1997), p. 72.
2. See, for instance, Eduard Bernstein, “The Social and Political Significance of Space and Number”, “Problems of Socialism”, “The Theory of Collapse and Colonial Policy”, and “A Statement”, in Henry Tudor and J. M. Tudor (eds.), *Marxism and Social Democracy: The Revisionist Debate, 1896–1898* (Cambridge: Cambridge University Press, 1988), pp. 83–107, 159–70, 191–3.
3. Eduard Bernstein, *The Preconditions of Socialism*, Henry Tudor (ed.) (Cambridge: Cambridge University Press, 1993). On social liberalism see, for instance, Leonard T. Hobhouse, *Liberalism* (London: Williams and Norgate, 1911); John A. Hobson, *The Crisis of Liberalism: New Issues of Democracy* (London: P.S. King & Son, 1909).
4. Present volume, pp. 48ff, 868, 90, 101–7. Bernstein 1993, pp. 33ff, 145ff; Steger 1997, p. 73.
5. See Thomas Meyer, “Elemente einer Gesamtheorie des Demokratischen Sozialismus und Hinderung ihrer Durchsetzung in der Weimarer Republik”, in Horst Heimann and Thomas Meyer (eds.), *Reformsozialismus und Sozialdemokratie* (Berlin: Dietz, 1982), pp. 413–40; Steger 1997, p. 83.
6. Steger 1997, pp. 83–5, 155, 168, 226–9.
7. Helmut Hirsch, preface to Eduard Bernstein, *Ein revisionistisches Sozialismusbild: Drei Vorträge* (Berlin and Bonn-Bad Godesberg, 1978), p. 13; David W. Morgan, “The Father of Revisionism Revisited: Eduard Bernstein”, *The Journal of Modern History* 51(3) (1979), pp. 525–32; Dieter Wild, Erich Böhme, and Bruno Kreisky, “Bei uns gehen die Uhren anders”, *Der Spiegel*, 4 April 1983.
8. Eduard Bernstein, *Aus den Jahren meines Exils: Erinnerungen eines Sozialisten* (Berlin: Reiß, 1918), translated as *My Years of Exile*:

- Reminiscences of a Socialist*, Bernard Miall (tr.) (New York: Harcourt, Brace, and Howe, 1921); Eduard Bernstein, *Die Deutsche Revolution* (Berlin: Gesellschaft & Erziehung, 1921); Eduard Bernstein, *Wirtschaftswesen und Wirtschaftswerden: Drei gemeinverständliche Abhandlungen* (Berlin: Vorwärts, 1920).
9. Eduard Bernstein, *Sozialismus Einst und Jetzt: Streitfragen des Sozialismus in Vergangenheit und Gegenwart* (Berlin: J.H.W. Dietz, 1922); Steger 1997, pp. 225–6; Henry Tudor, “Editor’s Note”, in Bernstein 1993, p. xi.
 10. See, for example, Francis L. Carsten, *Eduard Bernstein, 1850–1932: Eine politische Biographie* (Munich: C. H. Beck, 1993); Helmut Hirsch, *Der “Fabier” Eduard Bernstein: Zur Entwicklungsgeschichte des evolutionären Sozialismus* (Bonn: Dietz, 1977); Hans-Peter Jäger, *Eduard Bernsteins Panorama: Versuch, den Revisionismus Zu Deuten* (Frankfurt: Peter Lang, 1982); Thomas Meyer, *Bernsteins konstruktiver Sozialismus: Eduard Bernsteins Beitrag zur Theorie des Sozialismus* (Bonn: Dietz, 1977).
 11. Sheri E. Berman, *The Primacy of Politics: Social Democracy and the Making of Europe’s Twentieth Century* (Cambridge: Cambridge University Press, 2006); John Dunn, *The Politics of Socialism: An Essay in Political Theory* (Cambridge: Cambridge University Press, 1984); Peter Gay, *The Dilemma of Democratic Socialism: Eduard Bernstein’s Challenge to Marx* (New York, NY: Octagon Books, 1959); Hans Keman, *Social Democracy: A Comparative Account of the Left-Wing Party Family* (London: Routledge, 2017); Thomas Meyer, *The Theory of Social Democracy* (Cambridge, Polity, 2007).
 12. Present volume, pp. 248, 302, 416. Bernstein 1993, pp. 28, 35, 107ff, 193ff; Steger 1997, pp. 71–85, 91–108, 151–7, 163–8.
 13. Stanley Pierson, *Marxist Intellectuals and the Working Class Mentality in Germany 1887–1912* (Cambridge, MA: Harvard University Press, 1993); Steger 1997, pp. 189–97.
 14. Fritz Fischer, *Germany’s Aims in the First World War* (New York, NY: W. W. Norton, 1967), p. 56; David Fromkin, *Europe’s Last Summer: Why the World Went to War in 1914* (London: Heinemann, 2004), pp. 165, 177. See also Thomas Otte, *July Crisis: The World’s Descent into War, Summer 1914* (Cambridge: Cambridge University Press, 2014); Hew Strachan, *The First World War* (London: Viking, 2004).
 15. Fisher 1967, pp. 66–73; Fromkin 2004, pp. 188–91, 195–208. See also Holger Herwig (ed.), *The Outbreak of World War I* (Boston, MA: Houghton Mifflin, 1997).
 16. See, for instance, Susanne Miller, *Burgfrieden und Klassenkampf: Die deutsche Sozialdemokratie im Ersten Weltkrieg* (Düsseldorf: Verlag Droste, 1974).

17. Present volume, pp. 204, 223. See also Sean McMeekin, *July 1914: Countdown to War* (New York, NY: Basic Books, 2014); David Stevenson, *Cataclysm: The First World War as Political Tragedy* (Oxford: Oxford University Press, 2004); Jeffrey Verhey, *The Spirit of 1914: Militarism, Myth, and Mobilization in Germany* (Cambridge: Cambridge University Press, 2000).
18. Present volume, pp. 2229.
19. Henry Tudor is too cavalier when he suggests that Bernstein's pacifism, and his consequent alliance with the left opposition in the SPD, was in any way "artificial". See Tudor, "Introduction", in Bernstein 1993, p. xxxv.
20. Steger 1997, pp. 217–23.
21. Present volume, p. 125.
22. See Fischer 1967; Wayne C. Thompson, "The September Program: Reflections on the Evidence", *Central European History* 11(4) (1978), pp. 348–54.
23. Wolfgang Kruse, *Krieg und nationale Integration: Eine Neuinterpretation des sozialdemokratischen Burgfriedenschlusses 1914/15* (Essen: Verlag Klartext, 1993); Miller 1974.
24. Present volume, pp. 10916, 125.
25. *Ibid.*, pp. 174, 183, 220–3.
26. *Ibid.*, pp. 403–4.
27. *Ibid.*, p. 393ff.
28. Eduard Bernstein, *Sozialdemokratische Völkerpolitik: Die Sozialdemokratie und die Frage Europa* (Leipzig: Verlag "Naturwissenschaften", 1917; republished Paderborn: Salzwasser Verlag, 2012).
29. Eduard Bernstein, *Völkerbund oder Staatenbund: Eine Untersuchung* (Berlin: Paul-Cassirer-Verlag, 1918).
30. See, for example, Eduard Bernstein, *Der Völkerbund* (Basel: Verlag der National-Zeitung, 1919).
31. Eduard Bernstein, *Völkerrecht und Völkerpolitik: Wesen, Fragen, und Zukunft des Völkerrechts* (Berlin: Paul-Cassirer-Verlag, 1919).
32. Bernstein 1993, pp. 58–61, 66–77.
33. Present volume, pp. 18993, 248, 302, 413–6. See also Bernstein 1993, pp. 28, 35.
34. Present volume, pp. 70–1, 76–85, 113–4, 123, 125, 347–58.
35. *Ibid.*, pp. 2023, 205, 281.
36. *Ibid.*, pp. 150, 215–6.
37. *Ibid.*, pp. 95–9, 157–61. See also Benedict Anderson, *Imagined Communities* (London: Verso, 1983); Walker Connor, *The National Question in Marxist-Leninist Theory and Strategy* (Princeton, NJ: Princeton University Press, 1984); Max Weber, "The Nation", in H.H. Gerth and C. Wright Mills (ed.), *From Max Weber: Essays in*

- Sociology* (London: Routledge & Kegan Paul, 1948), pp. 171–9; Joseph Stalin, ‘The Nation’, in *Marxism and the National Question*, from Bruce Franklin (ed.), *The Essential Stalin: Major Theoretical Writings 1905–1952* (London: Croom Helm, 1973), pp. 57–61.
38. Present volume, pp. 241–3, 247–9, 252.
 39. *Ibid.*, p. 95.
 40. *Ibid.*, pp. 241–3, 248–50, 253.
 41. *Ibid.*, p. 47.
 42. *Ibid.*, pp. 2419.
 43. *Ibid.*, pp. 15761, 346, 364, 400.
 44. *Ibid.*, p. 158.
 45. *Ibid.*, pp. 160–1.
 46. *Ibid.*, pp. 215, 252–3.
 47. *Ibid.*, pp. 118–9, 132–4.
 48. *Ibid.*, pp. 54, 66, 151–2.
 49. *Ibid.*, pp. 21930, 244–5, 247.
 50. *Ibid.*, pp. 55, 142, 190, 235, 251.
 51. Present volume, pp. 61–2. See also John A. Hobson, *Imperialism* (London: George Allen & Unwin, 1902).
 52. Present volume, pp. 18993.
 53. *Ibid.*, pp. 54–5, 71, 115, 142, 150, 176–7, 180, 183, 224, 229–30, 250, 406, 411.
 54. *Ibid.*, pp. 43, 288, 294.
 55. *Ibid.*, pp. 251–2.
 56. *Ibid.*, pp. 95, 128, 134, 141–4, 153, 194, 212, 247, 266, 269, 295.
 57. *Ibid.*, pp. 251, 378–9, 421–2.
 58. *Ibid.*, pp. 354–8.
 59. *Ibid.*, pp. 91, 305–9, 410.
 60. *Ibid.*, pp. 157–61, 173–4.
 61. *Ibid.*, pp. 126, 224, 228.
 62. *Ibid.*, pp. 331, 424–5.
 63. *Ibid.*, pp. 175, 181.
 64. *Ibid.*, pp. 76–7, 79, 85–7, 91–2.
 65. *Ibid.*, pp. 85–8.
 66. *Ibid.*, p. 382.
 67. *Ibid.*, p. 106.
 68. *Ibid.*
 69. *Ibid.*, pp. 52–3, 85–7.
 70. *Ibid.*, pp. 95–9, 133, 144, 227, 230, 247, 252.
 71. *Ibid.*, p. 378.
 72. *Ibid.*, pp. 309, 329, 331, 339, 342, 364, 378.
 73. *Ibid.*, pp. 234, 366, 386.
 74. *Ibid.*, pp. 351–3.

75. *Ibid.*, pp. 295–9.
76. *Ibid.*, pp. 69–70, 244–5, 397.
77. *Ibid.*, p. 302.
78. *Ibid.*, pp. 2413, 248.
79. *Ibid.*, pp. 339, 353, 373–5, 385–7.
80. *Ibid.*, pp. 91–2.
81. *Ibid.*, pp. 249, 426.
82. *Ibid.*, pp. 959, 420–1, 425.
83. Present volume, pp. 241–3, 247–8, 383, 413, 419–26. On liberal proposals see, for example, John A. Hobson, *Towards International Government* (London: George Allen & Unwin, 1915); F.S. Northedge, *The League of Nations: Its life and times, 1920–1946* (London: Holmes & Meier, 1986); Leonard Woolf, *International Government* (London: Fabian Society, 1915); Alfred Eckhard Zimmern, *The League of Nations and the Rule of Law, 1918–1935* (London: Russell & Russell, 1969).
84. Present volume, pp. 92, 253.
85. *Ibid.*, pp. 153–4, 172.
86. *Ibid.*, p. 198.
87. *Ibid.*, pp. 138–9.
88. *Ibid.*, pp. 139–42.
89. *Ibid.*, p. 42.
90. *Ibid.*, p. 43.
91. *Ibid.*, pp. 227, 299.
92. *Ibid.*, pp. 150, 178, 379.
93. *Ibid.*, pp. 413–6.
94. *Ibid.*, p. 341.
95. See, for instance, Jürgen Habermas, “Eine Art Schadensabwicklung: Die apologetischen Tendenzen in der deutschen Zeitgeschichtsschreibung”, *Die Zeit*, 18 July 1986.
96. Present volume, p. 216.
97. *Ibid.*, pp. 225–6, 228.
98. *Ibid.*, p. 176.
99. Letter to Kautsky, 22 March 1894, in Till Schelz-Brandenburg (ed.), *Eduard Bernsteins Briefwechsel mit Karl Kautsky (1891–1895)* (Frankfurt: Campus, 2011), p. 345.
100. Present volume, pp. 206–7.
101. *Ibid.*, pp. 229–30.
102. See, for example, Michael W. Brough, John W. Lango, and Harry van der Linden (eds.), *Rethinking the Just War Tradition* (Albany, NY: SUNY Press, 2007); Mark Evans (ed.), *Just War Theory: A Reappraisal* (Edinburgh: Edinburgh University Press, 2005); Nicholas Fotion, *War and Ethics* (London: Continuum, 2007); Jeff McMahan, *Killing in War*

- (Oxford: Oxford University Press, 2009); Uwe Steinhoff, *On the Ethics of War and Terrorism* (Oxford: Oxford University Press, 2007).
103. See, for example, John Callaghan and Nina Fishman, *In search of social democracy: responses to crisis and modernisation* (Manchester: Manchester University Press, 2010); Michael Keating and David McCrone (eds.), *The Crisis of Social Democracy in Europe* (Edinburgh: Edinburgh University Press, 2013); Henning Meyer and Jonathan Rutherford, *The Future of European Social Democracy: Building the Good Society* (Basingstoke: Palgrave Macmillan, 2012); Fritz W. Scharpf, *Crisis and Choice in European Social Democracy* (Ithaca, NY: Cornell University Press, 1991).
104. See “The Socialist Conception of Democracy”, “The Value of the International Workmen’s Association”, and “Critique of the German Social Democrats’ ‘Peace Manifesto’”, in Eduard Bernstein, *Selected Writings, 1900–21*, Manfred B. Steger (ed.) (Amherst, NY: Prometheus Books, 1996).

PART I

Social Democracy and International
Politics: Social Democracy and the
European Question

PREFACE

The chapters that comprise this collection were written during the world war and address questions which it raised, either immediately for the wider general public, or in the first instance for the Social-Democratic Party in particular. I believe I may assume that everyone who seriously concerns themselves with the politics of peoples [*Völkerpolitik*] recognises that questions of the latter kind, even if they only touch the general public indirectly, are or could be still of considerable interest to it. How Social Democracy behaves in this war, and how it emerges from it as a former member of the Socialist International, is of no lesser importance for the future configuration of European peoples' relations towards one another than the shape of the political map of Europe, and of the contingencies of constitutional law at the outbreak of war. Here a healing process is needed, which the party of the working class will have every interest—but only under certain preconditions the capacity—to help expedite.

One of the chief ills that Europe will find itself confronting after the end of the war—the prospective consequences of the national acrimonies created by the war on peoples' economic and general social intercourse—is more closely characterised in the essay 'The Coming Europe', which forms the penultimate chapter of this book. Some readers will find missing any reference to the border changes, economic tributes, and so on, proposed here and there by parties who have greater influence on their countries' governments, of which one point—the separation of Poland from

Russia—has just recently been brought close to realisation by the governments of Germany and Austria-Hungary. But it seemed right to me not to take into account anything whose decision ultimately hangs on the fortunes of war in this analysis, and to restrict my examination to those of the war's repercussions which we are in for even if the war leaves the political map essentially unchanged. By taking this norm as a basis, if I can express myself in this way, it will be easier to evaluate the possible adjustments that must result from any end to the war that imposes particularly embittering terms onto one party or the other as well. But without such a foundation, we run the risk of losing ourselves in the domain of pure situational observations.

A large part of the chapters of this collection are dedicated to the controversy that divides German Social Democracy today, or refer to questions which it has provoked. In this debate, whose shibboleth is the question of authorising war credits, the undersigned author takes the standpoint of the minority which considers it imperative to refuse credits. There are reasons of various kinds that lead me—otherwise thoroughly a socialist reformist—to this opinion. Of them, I leave undiscussed in this book everything that can only be hinted at by allusion under today's conditions, and I restrict myself to the one point which incidentally clinches it for me: the effects of the votes and of the entire behaviour of Social Democracy during this war on the mutual relations between the peoples of Europe after the war. The importance of this question will not be readily apparent to everyone. But in my political experience, informed by more than four decades of activity as an international socialist, it is one of very great import. We underestimate today far too much the effects of political acts on the soul of peoples, just as we have paid far too little heed to it in general in grand strategy [*große Politik*] hitherto. Out of sheer *Realpolitik*, which calculates in terms of territory, money, and guns, we have forgotten that ideal values also have reality. To emphasise this, and to act accordingly, is in questions of foreign policy precisely the particular task of Social Democracy. To the extent that it lives up to this, it will help hasten the healing process on which all those with insight today are convinced that Europe's fate after the war hangs.

This is the fundamental guiding idea of the chapters in this book—even those that occupy themselves with questions that seem somewhat remote. As such may appear, for example, the chapters about questions of democracy. But in fact, the realisation of democracy, and in particular its application to the foreign policy of states, is *the* great problem of Europe.

The war has, for easily recognisable reasons, prompted governments in both camps to make theoretical concessions to democracy, and will probably also bring about practical concessions here and there, in the form of expansions of the rights of the people [*Volksrechte*]. As far as Germany is concerned, the government has declared its view that a new orientation has become necessary in domestic policy, interpreted in this vein. With what right, the future will show, and I have left this question undiscussed in the book presented here. But history has shown that the people's rights alone, however far they might go, do not yet make democracy superior to other systems of government, if with them and through them a conception of state and society is not recognised and practically applied that is superior to the conceptions that underlie them today. This is, according to social-democratic doctrine, the social idea of right, which rejects all exploitation and oppression of people by people, and recognises the solidarity among the wider general public of peoples. The war has only driven the social idea of right and the struggle for its realisation into the background, and it may be taken up again at any time—and presumably will be after the end of the war. But acknowledging this in the politics of peoples has been obscured for many people by the war, and will not simply give way to broad daylight. In Social Democracy, all manner of forces are at work which aim to replace the unreserved application of the fundamental principles of democracy to the politics of peoples—formerly its pride and the secret of its tremendous moral strength—with a policy of adapting to the views of anti-democratic classes. I want this book to be understood as a rallying-cry against such tendencies. The old phrase, Justice is the cornerstone of states, is today translated into the assertion that democracy in its widest application, where it encompasses the recognition and observation of the solidarity between peoples, is the safest guarantee of welfare and peace for nations. Whether or not one recognises that, the truth of this claim will forge ahead, even if those who profess this might today appear utopian or worse. The opinions developed in this book are the product of a political worldview from which nothing lies further than misapprehending the responsibilities politicians have towards their own people.

Berlin-Schöneberg, mid-November 1916.

Ed. Bernstein.

Of the chapters in this book, three appeared first in the Berliner *Vorwärts* when it still had an editorial staff whose political stance was closely aligned to the fundamental principles developed in them: “The Politics of Peoples and the Politics of States”, “Parliamentarism and Foreign Policy”,

and “Patriotism and Class Struggle”. I first published the essay “The So-Called Vital National Issues” in the Zurich monthly *Internationale Rundschau*, and the essay “Trade Policy and the Relations Between Peoples” first in the monthly *Dokumente des Fortschritts*, issued in Bern. The four articles collected under the title “The Dispute Over Grand Strategy” were first printed in issues of the *Leipziger Volkszeitung* in June and July 1916. The treatise “The Coming Europe” was written directly for this book. All other essays are extracted from the 1915 and 1916 volumes of the weekly for German Social Democracy, *Die Neue Zeit*. Ed. B.



CHAPTER 2

The Socialist Concept of Democracy

The name Social Democracy for the party of modern socialism, which proceeds from the class struggle of the proletariat in capitalist society, was not coined by its founders themselves. It is the German translation of the name *Demokratie socialiste* [sic], which was chosen in 1848–1849 by a compromise party of petty-bourgeois democrats and socialistically thinking workers, whose programme amounted to bringing about harmony between capital and labour—whose name, Germanised as above, was then transplanted to Germany by people of a similar mindset. By contrast, it only became the party name for the liberation movement of the working class 15 years later during the Lassallean agitation, since that original meaning had already been half-forgotten. Marx and Engels, who still remembered it, thus made some quite disparaging remarks when they found out that the organ of the new movement was to be called *Der Sozialdemokrat*. However, that name stuck, and the name Social Democracy has become the term to describe the party of the modern proletariat to such an extent that this interpretation ultimately migrated back to France, where they now frequently refer to the workers' party as *la social-démocratie* as well.

What has given the name its popularity among us and in other countries is the fact that it binds the concepts of democracy and socialism together into an inseparable whole, in line with the ideology of the struggling workers. For it, each of the two concepts alone gives the other definition, and it is hard to say on which of them the social-democratically minded

worker of our times lays the greater weight. In my experience, the concepts democrat and democratic lie closer to his thinking than the concepts socialist and socialistic, which are mostly still conceived fairly abstractly as a state of mind, or are exclusively applied to economic questions, whereas with the prior concepts is associated a fundamental legal principle that claims present and future legitimacy and which applies to the most diverse relationships. Hence the phenomenon, which any observer can confirm, that in the workers' movement we more often invoke the democratic than the socialist sensibility. In many people's minds, the former also includes the latter, but the latter by no means always the former.

For this evaluation of the concept of democracy to become possible, a historical development was required, over the course of which the word itself underwent an entire conceptual transformation.

In Greece, where it originated, democracy referred simply to a governance relationship. Its political meaning corresponded to its grammatical derivation: rule by the *demos*, or rather by the *demoi*, although these did not in any way encompass the entire lower *stratum* of society. For below the societal classes that had the right to vote in the regional or precinct bodies, which were called *demoi*, there were also the lower *strata* of bondmen and slaves, who had no political rights at all. The eligible voters of the *demos*, the people of free citizens, were already privileged classes themselves, just like the *plebs* in ancient Rome, and the propertyless whites in the countries with a Negro population in our times, where the latter is excluded from political rights.

We shall have to acknowledge that the political rule of the *demos* has undeniably not proven itself to be very beneficial. For even if there is plenty of reason not to believe everything the old historians tell us in this regard, since these belonged almost without exception to the anti-democratic classes or were in their pay, those countries from appreciably more recent history that, as well as similar class divisions, had political constitutional conditions that tallied with those of the old republics under the rule of the *demos* offer no substantively more advantageous picture about the duration of these conditions than we have been painted about the other ones. Democracy there does not embody freedom, nor does it prove a creative force. A propertyless popular *stratum* that is not suffused with the idea that it is the bearer of the societal edifice, and that it is called to give it a new form and a new source of strength, will, if it has political rights, not know what to do with them, and will always be inclined to take risks in exercising them. In almost all slave states, the free

have-nots are political *lumpen*, and likewise at the high tide of the capitalist era in all countries, the emergent proletariat—usually petty farmers and craftsmen—is a politically venal mass, and if democracy is attempted there, it regularly grows into the rule of some kind of oligarchy, if not despotism, dressed up as democracy.

This is one of the reasons why almost all early socialists, although in the exposition of their ideal states they sketched out democratic institutions with gusto, in practice wanted little to do with democracy, and some even resisted it. Since they had a socially and culturally immature working class before them, they also did not promise themselves much from it as a political force. Even Robert Owen advised workers repeatedly not to participate in political struggle, the enfranchisement movement, and the like.¹ Likewise, Fourier and several of his pupils in France, Rodbertus in Germany, and others as well. But the founders of modern socialism, which emerged from the class struggle of the proletariat, are also lukewarm towards democracy. Yet their verdict on it is not unanimous. They let it count as a means that may be of value for certain purposes under certain circumstances, but then express themselves very disparagingly about it as a goal, and do not occupy themselves with it as an organic principle anywhere. We can encounter in Marx and Engels both extremely dismissive and very praise-filled remarks about democracy and democratic life.

With them, however, in most cases the contradiction is only a matter of appearance. Namely, at various times something else is meant by Democracy; here an undefined party, there a state of society, here a social force, and there one institution or another, and so in each of these cases their verdict must naturally sound somewhat different. However, even if we realise this, not every contradiction that we encounter is explained away. A further reason is that the political struggle that came into question for the authors of the *Communist Manifesto* and the revolutionary socialists of their time did not yet recognise democracy as a problem at all.

In antiquity and also in the Middle Ages and Late Middle Ages, democracies had one constant character: delimited estates [*Stände*] of the lower popular class [*Volksklasse*] struggled for dominance with those of the upper classes, and if they won, fundamentally did not change anything about the division of society according to property and occupational estates. The idea of founding a state of equals does not yet generally play a role. Appeals to individual fellow campaigners [*Mitkämpfer*] are only made for struggles to be fought in the short term. Permanent political partisanship on a basis other than estates does not yet exist. The permanent party composed

of personal members is the creation of more recent history—it could only form once capitalism had exploded the old estates and introduced a constitutional political life that had as its foundation a regularly working legislative parliament that relied on votes of a general nature. The modern political party is the child of modern parliamentarism, just as this draws from it its nourishment. The one institution here cannot live and develop itself without the other.

Now, however, parliaments initially for a long time represented privileged classes, with the franchise tied to them through prescriptions about properties and services which either wholly excluded the propertyless popular classes or still allowed them no representation of their own. Wherever and as long as that is the case, no properly working democratic parties can yet develop. But until the second half of the nineteenth century, that was still the prevailing situation in all major states. This explains, among other things, why England, the motherland of modern parliamentarism, did not also become the motherland for the modern, democratically constituted political party of the working class. For English parliamentarism for a long time remained a bastard formation, half-estate and half-plutocratic in nature, in which Democracy could not find a home.

The great democratic popular movement in England in the nineteenth century, Chartism, thus does not go beyond sporadic attempts at forming a constituted party. As a result, the problems of democracy could certainly show themselves in it in protean form but could not achieve a noteworthy solution through it. Rather, it was the trade union movement that first accomplished something substantial in the domain of organic democracy in England, but this remained stuck half-way because of the economic tendencies associated with it, which were related to the estate system. The socialist workers' movements on the Continent do not take shape all that differently from Chartism, so long as the workers are excluded from the political franchise. Wherever they set themselves more ambitious goals than Chartism, by associating themselves with the legacies of the great French Revolution, they concern themselves even less than the Chartists with the organic questions of Democracy.

As Friedrich Engels observed in a note on the new edition of *Revelations about the Cologne Communist Congress*, people stood at that time under the influence of a falsified representation of the French Revolution, according to which it was only able to carry out its work because of the most stringent administrative centralism.² Hence the almost anti-democratic

statements in the circular by the London central authority of the Communist League of March 1850, where with reference to the backward particularism in Germany it reads:

Further, the democrats will work either directly for a federative republic or, if they cannot avoid a single and indivisible republic, they will at least attempt to cripple the central government by the utmost possible autonomy and independence for the communities and provinces. The workers, in opposition to this plan, must not only strive for a single and indivisible German republic, but also within this republic for the *most determined centralisation of power* in the hands of the *state authority*. They must not allow themselves to be misguided by the democratic talk of freedom for the communities, of self-government, etc. ... As in France in 1793 so today in Germany, it is the task of the really revolutionary party to carry through the *strictest centralisation*.³

Only a few years later, in France, the ex-Blanquist Hippolyte Castille, setting out from similar lines of thought, wrote in his history of the Second French Republic:

What they casually call political freedoms are only a fancy name to embellish *the justified tyranny of the majority*. Political freedoms are nothing more than the sacrifice of a number of individual freedoms to the despotic god of human societies, to social reason, to the contract.⁴

The epoch of the Red Terror onwards (October 1793 to April 1794), where Girondists, Hebertists, and Dantonists were beheaded one after another, was in reality the time of “the *rebirth of the principle of authority*”, this “eternal protection of human societies”.

That the disappointed revolutionary who argued thus ended up in Bonapartism cannot be surprising. After all, we are experiencing again these days as well how easily excessive emphasis on certain social forces hostile to freedom turns revolutionaries into willing supporters of imperialism. The deification of the state is as little a Prussian invention as administrative centralism. The English, who derive this from Hegel and Treitschke, are fully in error here. But so far as it plays a part in the revolutionary literature of France and influences the thinking of social revolutionaries, it rests, as remarked, on a false reading of historical precedents. In his footnote on the part of the circular of 1850 cited above, Friedrich Engels writes in the year 1885:

It must be recalled today that this passage is based on a misunderstanding. At that time [Ed. B.—1850] ... it was considered as established that the French centralised machine of administration had been introduced by the Great Revolution and in particular that it had been used by the Convention as an indispensable and decisive weapon for defeating the royalist and federalist reaction and the external enemy. It is now, however, a well-known fact that throughout the revolution up to the eighteenth Brumaire⁵ the whole administration of the *départements*, *arrondissements*, and *communes* consisted of authorities elected by the respective constituents themselves, and that these authorities acted with complete freedom within the general state laws; that precisely this provincial and local self-government, similar to the American, became the most powerful lever of the revolution and indeed to such an extent that Napoleon, immediately after his *coup d'état* of the eighteenth Brumaire, hastened to replace it by the still [Ed. B.—1885] existing administration by prefects, which, therefore, was a pure instrument of reaction from the beginning.⁶

The realisation outlined in these statements had apparently already influenced those parts of Marx's address to the General Council of the International about the civil war in France of 1871, in which he describes the *free commune* as a *fundamental* organ of the liberation of society from domination and exploitation through a state power that stands above it, as well as the part of the Preface to the new edition of the *Communist Manifesto* published in 1872, where Marx and Engels say: "One thing especially was proved by the [Ed. B.—Paris] Commune, *viz.*, that 'the working class cannot simply lay hold of the ready-made State machinery, and wield it for its own purposes'."⁷

Even if, in the first instance, only the idea of introducing the dictatorship of the proletariat by means of a revolutionary central authority [*Zentralgewalt*] is thereby abandoned, these statements also capture a new conception of democracy: an organic association between the state and its municipalities, whereby to the former falls mainly only general legislation and monitoring the execution of laws, but the weight of administration falls to the regional self-administering bodies (provinces, districts, municipalities). This more recent development has, besides the latter, lent increasing significance to these free self-administering bodies, whereof in the first instance trade unions and consumer associations come into consideration for the working class, as well as those economic institutions of a half-statist nature, like the great branches of workers' insurance on the one hand and the mixed-economic manufacturing enterprises

[*Fabrikationsunternehmungen*] on the other, which makes the tasks to be solved by the workers' party even more complex and necessitates much more specialised activity for it in all public representative bodies.

If not also for other reasons, then already for this reason, the party of the working class gradually had to take on other characteristics than those its founders imagined. Marx and Engels as well as Lassalle resisted and in Germany almost extinguished the idea of conquering the capitalist state in a conspiratorial manner. They aspired to a party of the proletariat that, without neglecting workers' demands for reform, still mainly turned its attention to conquering the political power of the state and allowed its propaganda to be determined by this purpose in such a way that it never stopped being the regulator of its activity. But the more intensively the workers' party engaged with the constantly expanding domains of legislation and administration, the more that stated purpose had to suffer in its regulative force, in accordance with a very simple law of the dynamics of mental life. With what dangers this can be associated for individuals in their political thinking, we see today before us in many examples with a clarity that must not be misinterpreted. However, this question, and the question of how these dangers can be met, is a point which, as worthy of examination as it is, shall not concern us here. Our present consideration has to do with observing the development of the workers' party, how this affects its relationship to democracy in the state and in its own constitutional life, and how it influences its conception of democracy. Here we will now be unable to avoid acknowledging that the outlined transformation in the relative weight of the purposes according to which the workers' party decides its policy and propaganda is, in its tendency, an inevitable fact. For in its chief characteristics, it is also an international phenomenon.

* * *

But to the extent that this transformation is achieved, democratic rights take on heightened significance for the workers' party, just as for its part they are themselves again a means to open up growing domains of activity for it. In 1884, Friedrich Engels could still write: "Thus, universal suffrage is the gauge of the maturity of the working class. It cannot and never will be anything more, in the present-day state."⁸ But already in 1895 it was no longer possible to say that, when Engels, on the eve of his death, wrote his preface to Marx's *The Class Struggle in France*. And Engels also realises

even there that universal suffrage “did more than this by far”. He outlines how successfully it was exploited by Social Democracy for socialist propaganda and then continues:

With this successful utilisation of universal suffrage, however, an entirely new method of proletarian struggle came into operation, and this method quickly took on a more tangible form. It was found that the state institutions, in which the rule of the bourgeoisie is organised, offer the working class still further levers to fight these very state institutions. The workers took part in elections to particular diets, to municipal councils and to trades courts; they contested with the bourgeoisie every post in the occupation of which a sufficient part of the proletariat had a say.⁹

But this is also not yet the picture that we see before us today. The general franchise is now not being exploited to challenge those state institutions, but to force entry into them, and to struggle for changes in them that should make them serve the interests of the working class. Nonetheless, this is a two-sided process; we align the institutions with ourselves, but thereby we also to a certain degree align ourselves to the institutions.

However, none of that can proceed where the state is ruled through a centralised bureaucracy. Democracy in the municipality as well as in the state, and self-administration of democratic municipalities, districts, and provinces has now become an immediate desire of the working class. If, with that, it was already a given that we would occupy ourselves more thoroughly than before with questions of democracy, and come to a more positive relationship towards it, then the internal development of the workers’ party itself led to the same result. In order to be able to act with significance in the way outlined, the workers’ party must have a certain numerical size, and its members must gain and hold onto the positions of legislators and administrators in increasing number. A growing portion of party work falls to local memberships, which need greater latitude, and a higher measure of independence from central leadership, since the task of providing higher leadership for local memberships would grow over the latter’s head. Where a workers’ party was not built on a federal foundation to start with, transforming its fundamental structure in a federal direction thus becomes an irrefutable necessity. The history of the organising statute of German Social Democracy was long influenced so strongly by the state’s restrictive Association Law that we cannot simply think of it as an example of a development that took place under its own laws of motion. But with

it, the tendency to develop from a stringently centralised to a federal democracy also shows itself very clearly. Every time a plank of the Association Law falls, its statute is revised straightaway in the direction of federalism, until it lets the party today resemble a state in which legislative and executive central authorities are strictly separated, with the latter now only monitoring local administrations in a strictly limited way.

In the state, and also in the workers' party, democracy is conceived and its realisation sought not as a form of rule but as an *organisation of freedom*. The demands for freedom which the workers' movement derived from the fundamental demands of human rights, which it adopted from bourgeois liberalism—the right of the human to his personhood, equality before the law, and so on—now become organic components of democracy in the way that workers' parties seek to realise it immediately in themselves and in the state.

* * *

It was not always like that. Realising the highest degree of possible freedom for humans is the goal of all true socialism. But, as we have seen, the way to this goal is also conceived differently with regard to this question. Conspiratorial-revolutionary socialism, whose most immediate goal is the conquest of the state through force, is already for that reason somewhat indifferent towards civic freedoms. But I still remember very well how in the 1870s German social democrats of more than average intelligence also made extremely derisive comments about all demands for freedom that went beyond the daily needs of the workers' movement. Such demands for freedom counted as "liberalism" in their eyes, and this itself was again conceived as politically equivalent to bourgeois tendencies. Among the ranks of Lassallean socialists, Lassalle's remark that "carping individualism" was a specific and contemptible property of the bourgeoisie played a role in this. And this argument was met on the part of the rising trade unions by a recognition of the necessity for minorities to be respectively subjected to majority decisions in the immediate class struggle between capital and labour. Only once experience showed that, without the freedom to "carp", healthy party life could not possibly develop, and that the developed trade union could not sustain the absolutism of simple majority decisions, did they perceive that boundary questions lie here that are not to be solved with such simplistic interpretations. On the contrary, they recognised that the problem of democracy in a legal respect consists

precisely in bringing its fundamental idea of making decisions through the majority resolutions of the equally entitled citizens of the community into harmony with the fundamental demands of personal freedom.

The development of democracy in modernity cannot mean eradicating decision by majority resolution. For then it would become either the creation of renewed rule by minorities or anarchy in the sense of dissolution. But it means limiting the scope of majority rule; regulating its forms in agreement with the rights of a free personality; creating the material and legal preconditions of thorough consultation on decisive questions, carried out in unlimited freedom; and establishing provisions according to which changes that intervene deeply in social life may not be made law through simple majority resolution and in excessive haste. Without these prerequisites, majority rule would certainly be, as Castille wrote, the despotism of numbers. History has proven this with countless examples. By contrast, it will be all the harder to find examples where the results of this kind of majority rule, to fall back on Castille's turn of phrase, came close to social reason.

Decision through majority resolution is only inseparably connected with democracy because every other decision would contradict its fundamental idea, which in a modern political system means equality of rights and the absence of all privileges. But it does not constitute the nature of democracy as this is to be understood today. Crucial for democracy in the present day is self-determination with equal rights and free speech. Every infringement of free speech is an infringement of democracy.

Further, democracy does not mean that all oppression will disappear. Democracy in the present day has a great deal of oppressing to do. But it does mean the disappearance of all subjection of persons and groups to the wills of others, where this is not subjection to the law, or resolutions that correspond to this, which apply to all equally and came about through a free vote by equals. It is thus also impossible to square with the domination of one people by another. So long as one nation forcefully chains to itself other nations that aspire to autonomy, or significant parts of a people that feel that they belong to other nations and wish to be unified with them, it will never manage to be a true democracy. Whether it introduces a class-based electoral system, or the general, equal, and direct franchise makes no major difference in this regard. The spirit of its policy will always bear imperialist characteristics. "For a long time I believed", Karl Marx writes to Friedrich Engels on 10 December 1869, "it would be possible

to overthrow the Irish regime [Ed. B.—the domination of Ireland by England] by English working class ascendancy. I always took this viewpoint in the *New York Tribune*. Deeper study has now convinced me of the opposite. The English working class will never accomplish anything before it has got rid of Ireland.”¹⁰ Meanwhile, the Irish question has taken on a somewhat different aspect through the uptake of the Home Rule movement by the Irish and the great Irish agrarian reforms.¹¹ But in its fundamental idea, the old relationship has remained. So long as the Irish are denied Home Rule, the same phrase also applies to England’s working class: “home rule blocks the way”, namely the way to full democratisation of English politics. For the English social democrats have also never let themselves be dissuaded by such slogans as the national integrity of the British Empire from supporting the revolutionary movements of the Irish to win autonomy for their country.

Behind the slogans with which people seek to justify one nation ruling over another nation by force as the vital interest of the former, closer examination will consistently uncover the interests of certain privileged classes or castes. A people as a whole is never advantaged by keeping another people under the yoke. “Even our Empire, *prima facie* the most prosperous that the world has known”, writes the democratic English sociologist John A. Hobson in his essay—which is well worth reading—on the open-door policy, “would almost certainly be found, by any complete statement of the credit and debit account, not to be a profitable business proposition”. Only for certain financial, commercial, and industrial interests in the heart of the nation is imperialist policy good business. But its military and political *costs* “fall upon the nation as a whole”.¹² But on the nation as a whole also fall the spiritual effects of violent imperialist policy.

So democracy does not simply mean rule by the masses. Rather, it means self-government of the people under conditions and in forms that preclude all class rule and all coercion of will exercised by one popular *stratum* over another. It does not mean rule of the majority over the minority, but securing the majority against domination by minorities. It is only present where minorities are guaranteed the free development that makes it possible for them to become a majority themselves. Permanent rule of one social *stratum* over another is unthinkable without the corruption of the former. Healthy democratic life needs alternation of majorities in its composition. Thus, it is unthinkable without far-reaching political rights for minorities.

NOTES

1. Robert Owen (1771–1858), Welsh social reformer, entrepreneur, and philanthropist, major author within the utopian socialist and cooperative traditions, who instigated a comprehensive system of workers' education and welfare at his cotton mill in New Lanark. See Robert Owen, *A New View of Society and Other Writings*, Greg Claeys (ed.) (London: Penguin, 1991).
2. See, for instance, documents collected in Karl Marx and Friedrich Engels, *Collected Works, vol.9: Marx and Engels 1849* (London: Lawrence & Wishart, 1977), pp. 487–532.
3. Karl Marx and Friedrich Engels, "Address of the Central Authority of the League", in Marx and Engels, *Collected Works, vol.10: Marx and Engels 1849–51* (London: Lawrence & Wishart, 1978), p. 285.
4. Hippolyte Castille (1820–1886), French writer and polemicist, collaborator of Frédéric Bastiat and Gustave de Molinari, author of *Histoire de la seconde République française*, 4 vols. (Paris, 1854–1856).
5. [Ed. B.—9 November 1799, the day of Napoleon I's *coup d'état*].
6. Friedrich Engels, *Note to the 1885 edition*, in Marx and Engels 1978, pp. 285–286.
7. See Karl Marx, *The Civil War in France: Address of the General Council of the International Working Men's Association*, in Marx and Engels, *Collected Works, vol.22: Marx and Engels 1870–1871* (London: Lawrence & Wishart, 1986), pp. 307–359; Karl Marx and Friedrich Engels, "Preface to the 1872 German Edition of the *Manifesto of the Communist Party*", in Marx and Engels, *Collected Works, vol.23: Marx and Engels 1871–1874* (London: Lawrence & Wishart, 1988), p. 174.
8. [Ed. B.—Fr. Engels, *The Origin of the Family, of Private Property, and the State*, first Zurich edition, p. 139, edition by Dietz, Stuttgart, p. 182]. Friedrich Engels, *The Origin of the Family, of Private Property, and the State*, in Marx and Engels, *Collected Works, vol.26: Engels 1882–1889* (London: Lawrence & Wishart, 1990), p. 272.
9. Friedrich Engels, "Introduction to Karl Marx's *The Class Struggles in France, 1848 to 1850* (1895)", in Marx and Engels, *Collected Works, vol.27: Engels 1890–1895* (London: Lawrence & Wishart, 1990), p. 516.
10. [Ed. B.—Letter exchange, 4th volume, pp. 225, 226]. Karl Marx, "Marx to Engels. 10 December", in Marx and Engels, *Collected Works, vol.43: Marx and Engels 1868–1870* (London: Lawrence & Wishart, 1988), p. 398.
11. The Irish Home Rule movement, which campaigned for self-government for Ireland within the United Kingdom, was the primary Irish nationalist political movement from 1870 to the 1919–1921 Irish War of Independence. Two Home Rule Bills failed under William Ewart

Gladstone in 1886 and 1893 due to opposition within the House of Commons and Lords, respectively. A third Home Rule Bill passed in 1912, but its enactment was suspended after the start of World War I and superseded by the republican Irish independence movement after the 1916 Easter Rising.

12. [Ed. B.—John A. Hobson, article “The Open Door” in the collected volume *Towards a Lasting Settlement*, published by Charles Roden Burton. London 1915, George Allen Unwin limited]. See John A. Hobson, *Towards a Lasting Settlement* (London: George Allen & Unwin, 1915), pp. 100–101.



Democracy and Foreign Policy

If one conceives the concept of democracy as a name for the parties and population *strata* that have political and social equality more or less precisely as the guiding star for their aspirations, it must be said that foreign policy hitherto has mostly been the problem child of democracy. The simple ways in which democracy formulated its conception of the rights of peoples again and again came up against the hard conflicts of interests of states, as these were conceived or interpreted by parties who were decisive for state policy, or also against the embedded prejudices of the popular masses themselves. If we ignore those states that, as a result of their exceptional political stance—like the Swiss Confederation—or their geographical location, like the United States, are only indirectly affected by the conflicts of interest between the European great powers and their protectorates and followers, we can justifiably raise the question of whether, apart from for a certain time during the great French Revolution and some months of the Revolution of 1848, there has ever been anything like a democratic foreign policy at all. In general, hardly any other domain of government activity has evaded democratic control as persistently as foreign policy.

We have been able to observe this in modernity especially in the example of the French Republic. Since the turn from the 1870s to the 1880s, France has gradually developed—with few interruptions—from a republic that was still entirely subservient to bourgeois interests into a

bourgeois-radical republic that looks for its centre of gravity in the democratic forces of the country. But this development in that country's domestic policy was only very hesitantly followed by a similar change in its foreign policy. The latter, in our view, always noticeably lagged a number of steps behind the former.

There are a range of reasons to which we must attribute this fact. It is most obvious to make the idea of revenge for 1870–1871, which has dominated the thinking of the mass of the French people for so long, responsible for this, and certainly it has contributed very much to giving France's foreign policy a conservative character. Just as it also—relatedly—prevented the democratisation of the French army system for a very long time. In connection with this, the Republic's alliance with Tsarist Russia is a factor with a similar effect, which influenced the course of France's domestic policy only a little and indirectly, but influenced its foreign policy all the more. The billions that France lent to Russia became a chain that tied the former's foreign policy ever more firmly to that of the Tsarist Empire, just as in general the creditor is often enough chained more strongly to the debtor than the latter is to the creditor.

In addition to these reasons, which are contingent on external circumstances, there is also the fact—which lies in the nature of the matter itself and should thus be considered an organic factor—that foreign policy, which represents the country as a whole, lies all the same in the conventional course of time under the influence of those of the country's social powers that hold the strings of its political and economic constitution in their hand. But in no country are these, as yet, the democratic masses. Even where, thanks to the democratic franchise, these supply the majority of parliamentary representatives, they are—because of the fact that in all modern states production and exchange lie overwhelmingly in the hands of more or less capitalist entrepreneurs—so long as and to the extent that this economic situation continues, by the logic of things, unable to steer the country's economy. In the organisation of political economy [*Volkswirtschaft*], capitalists are still the rulers everywhere, especially in external matters. The constitutionalism of the factory and the office, which after all is still only in its beginnings, is entirely limited to its inner process, and it has not yet dared to tackle its leadership from a commercial point of view. The commercial management, which for individual businesses has as its main task leading the competitive struggle in the country itself, at the same time represents the interests of the capitalist class abroad. Just as foreign policy could still bear various dynastic characteristics for similar

reasons—even while internally the power of the dynasty was already broken—so today foreign policy also bears capitalist characteristics, although in its domestic policy anti-capitalist tendencies have strongly asserted themselves.

With respect to France, one book expresses this clearly and frankly, whose author declares himself an upright friend—even admirer—of France today. On the subject of French democracy, Herr Hermann Fernau writes in his book, which came out in early 1914, after he outlined how French capital concentrates in large-scale finance and how it secures for itself parliamentary majorities for its purposes by dispensing positions and other donations:

So we see that capital is so firmly and all-powerfully organised across the board that in the face of it the labour organisations that already exist today (for example, the *Confédération Générale du Travail*) are complete laughing stocks. Not the people are today the actual masters of the parliament, but the financiers. They have encircled this expression of the people's will with their creatures and ply their business in parliament. And what moves in the foreground: the president, his ministers, the party leaders and great figures, these are, examined precisely, only puppets that dance on the invisible but firm strings that we see behind the scenes. If things were done honestly in our neighbours' democracy, then the first "regent" of the *Banque de France* would be the President of the Republic, Baron Rothschild would be Prime Minister, the gun manufacturer Schneider and the directors of the major banks would be his ministers. But since in this case the French citizen would complain that he has no rights, that the government is not the expression of the people's will, etc., etc., they leave him instead the illusion of his sovereignty. The real kings of the Republic prefer to remain in the shadow, to keep real power for themselves, and to leave the people the appearance of power.¹

Now so far, this says nothing substantially new, but only summarises acutely what we have already often heard on the theme of parliamentary corruption in the Third Republic. It also does not outline any particularly unique aspect of France or of the Republic. For in various other states, parliamentary corruption is definitely no lower than it is there. "We are going under from corruption", a thoroughly patriotically minded representative of a monarchy whose parliament is still constituted on the basis of a very undemocratic franchise declared sadly to the author of this book only a very short while ago, and influential politicians were already being

bought at a time when as yet no parliaments existed whatsoever. In addition, for questions of foreign policy, bribing parliamentarians is only one of the ways in which finance makes parliaments subservient to its purposes and by no means the most significant. All the same, this will only in exceptional cases take the crude form of bartering over their souls. In general, in advanced countries, one tends to “interest” personalities to be won over by bestowing apparently inoffensive favours for quite specific purposes. And again, it is consistently only specific financial syndicates that do this, which, however mighty they might be, are still never finance *par excellence*. As a social phenomenon in the cultural-historical sense, the influence of finance on politics today is not explained by pointing to the bribery of politicians by financial masters or by groups of them. Bribery would be ineffective in nine out of ten cases if finance did not, as a result of its close connection with the world of other major and minor capitalists through the credit and share system, have a broad sounding board in the nation overall. Not its possession of the means to bribe, but its status as the custodian of the great material interests of the bourgeoisie in general explains, in the end, the influence of finance on politics today.

But due to the aforementioned situation that, in the major states, the social power that we collectively call finance currently consists of financial syndicates with divergent and often even conflicting interests, it comes about that despite all the parliamentarians it has purchased, its political influence is still only limited. Especially in as lively a democracy as France is today. With all its influence on parliamentarians, French finance, which through the social stance of its leaders is pulled towards the conservative societal *strata*, was unable to prevent France from developing increasingly in a democratic vein in very broad and important domains of political and social legislation and administration. To achieve its various business purposes, it had to make one concession after another to the democratic spirit of the nation. Fernau realises this himself, and, to use his imagery, he lets French finance help dig its own grave in domestic policy. The kings of the Republic have, he explains, created the secular people’s school [*Volksschule*] completely free of charge, as well as an Accident Law, a Coalition, Press, and Assembly Law, and freedom of expression of a kind that “we unassuming Germans” know only from hearsay, and they would likewise “have to approve that thorough change in the franchise—the proportional voting system—that will at least bring about a partial recovery in parliamentary corruption [*Geschäftsparlamentarismus*]”.² Carried away by his intention of setting the Germans a good example, where our author

outlines this development in detail, he paints somewhat too rosy a picture. But on the whole, he puts forward much that is worth noting about the effect of democracy in France. The chapters about the separation of state and church and its consequences, and about the struggle for France's schools, are particularly worth reading and would reward longer examination. But today they recede in interest compared with the eighth chapter of his book, which is entitled "The peace guarantees of French democracy", and which, as he writes, wishes to draw "as clear a picture as possible of those modern factors that prevent war, and which, quite apart from every sentimentality in French democracy, are already more clearly pronounced than elsewhere, and begin to work towards the effective prevention of wars and the final realisation of the idea of disarmament within today's cultural life".³ The end of this passage means that we cannot already skip over this chapter in advance on the basis that it has been disproven by the current war. For it announces only a development towards preventing wars, but not yet that a condition of secure peace has been accomplished. So it should be explored whether the current war has merely interrupted a development whose peaceful tendency, as asserted by Fernau, is not disproven by actual events, or whether it can count as evidence that Fernau was wrong in his estimation.

* * *

There are four factors that Fernau presents as the peace guarantees of French democracy, and it will not be a little surprising to see that the first one he names is none other than—French *high finance*. As a second, Fernau names *unbelief* and the *lack of population growth* which he associates with it; as a third the mindset [*Gesinnung*] of French *teachers*; and as a fourth the *idea of democracy* itself. Let us see how or why these factors appear as peace guarantees.

Regarding high finance, with Fernau the matter is one of simple arithmetic. As a joint proprietor of the great French gunworks, which benefit from armed peace, high finance may well be very interested in continuing and escalating this armed peace as far as possible. But since, with its 38 billion of foreign outstanding debts, it is to a still much higher degree the lender of the world, and since war results in the tremendous devaluation of loans and other securities, it is also interested in peace itself to a similarly much higher degree. This line of argument is seemingly extremely plausible in its simplicity. Unfortunately, however, it is rather somewhat too

simple. If one looks at the matter more closely, another picture emerges. In the first instance, it is impossible to work successfully towards escalating armed peace without at the same time risking endangering peace itself. Armed peace lives off keeping alive the danger of war. High finance, which is interested in it, is thus all the more motivated to keep alive people's belief in the danger of war, since placing loan advances abroad is also helped in many cases by other countries' need for armaments material. So it helps bring about moods and situations that tend towards war and makes whether it takes place or not contingent ultimately on coincidences that lie beyond all advance calculation. Apart from this, the interest of certain financial syndicates in colonial enterprises plays an ever greater role—an interest that, where it ends up conflicting with the interests of foreign financial syndicates in the same colonial region, manifests often enough in the worst threat to peace. And since peaceful tendencies today are almost always only expressed through pious wishes, but warlike tendencies or hostile tendencies that toy with the threat of war express themselves in the whipping-up of public opinion, it is thereby still not proven—even if it is the case that, judging by the quantity of their investments, high finance in general should be more interested in peace than in war—that it can be described as a factor for peace in the overall effect of its manipulation of public opinion. Fernau here falls victim to the method of constructing, based on the conceptual sociological unity of an economic category, an actual unity that does not exist in any of our major states.

Now admittedly he provides an example that should testify to the peaceful activity of high finance. This is the fact that, when in summer 1911, during the negotiations between France and Germany about Morocco, the danger of war became acute, Paris high finance provoked a heavy monetary crisis in Germany by cancelling the loans that they had outstanding there, which ran into the many hundreds of millions, under the influence of which the German government saw itself forced to agree the familiar compromise with France by which peace was preserved. There is a degree of truth in this, although it is an exaggeration to attribute the fact that the danger of war was averted at the time exclusively to the money scarcity caused by Paris finance. But insofar as it is accurate, it had the natural result that measures were implemented in Germany to prevent this situation from being repeated. This was particularly achieved by the Banknote Law of 1912, which the leader of the Reichsbank himself described as financial armament when it was passed, and which has so far proven itself to be exactly this. The ability of that Paris financial syndicate

to bring about peace did not reach further than its temporary financial superiority. And the claim with which Fernau closes the section that deals with this point, which he expresses in the following words, has hardly been vindicated:

If tomorrow our German financial powerholders, like those in France, become more powerful than the government [*regierungsmächtig*], the issue of peace will have taken a further enormous step forward.

* * *

Fernau's second peace factor, entitled "Growing unbelief and the lack of population growth in France", fares a little better. Though here too Fernau exaggerates when he writes that "at the root of all the factors that prevent births, without question, lies *one* main cause: Enlightenment, that is to say, the constantly increasing irreligion of the French population".⁴ For various strongly clerical districts of France have posted a lower percentage of births than significantly less clerical ones for decades. J. Goldstein shows in his work *Population problems and occupational division in France* (Berlin 1900) that in five *départements* of overwhelmingly clerical Brittany the excess of births over cases of death in the five-year periods from 1861–1865 to 1891–1895 dropped from 104,200 to 57,800 and in contrast rose in the much less clerical *départements* of Nord- and Pas-de-Calais from 91,000 to 103,000.⁵ This despite the fact that the former *départements* had a lower population increase than the latter but could still also record some population increases. The two named northern *départements* have a large population working in major industries, which is why the number of births there is still greater than in Brittany, which is overwhelmingly rural. But in general, we will have to admit that the Enlightenment plays a major part in the decline in the birthrate. At the very least, the assumption that in sexual life every intervention in the workings of God's will is a sin must be overcome before the prevention of births can become a general habit, and even if the church tolerates a certain liberality in this respect, even the conditional recognition of voluntary birth control is a concession by traditional belief to cultural Enlightenment. This strengthens people's consciousness of the right of mankind to voluntarily regulate the production of children by preventing impregnation, and as this spreads it thus ensures that this habit firmly takes root in social life.

Unlike most anticlericals, who do not want to accept that Enlightenment and the birthrate are inversely related to one another, Fernau celebrates this association as a phenomenon that warrants the best hopes for the coming culture. The idea that a people must strongly reproduce to be a healthy people, and that thus a people whose births and deaths are approximately even is a decadent people, only took root under the militarism of our time. All the same, a stagnating population count also has its cultural dangers. But strong reproduction of the people is “no imperative of the emerging culture, but more an imperative of today’s love for the fatherland and intensive war preparations”.⁶ France offers proof that there is an irreconcilable contradiction between monism and a fatherland that practises great power politics. If, in order to maintain its global position, it initially still resorted to lowering ever further its demands for the health of its recruits, and, to maintain the *illusion of numbers*, lengthening the duration of military service, in the long term it would, however, “be forced for purely demographic reasons to discuss the problems of a popular militia, international courts of arbitration, disarmament, etc., more sympathetically and thoroughly than other peoples”.⁷

In this too there is a great deal of truth, and it is no more disproven through France’s participation in the current war than is the fact, further identified by Fernau, that anti-chauvinist spirit was growing among French teachers. The factors he offers as evidence for this—the affiliation of a teachers’ association comprising 6000 teachers to the directly anti-military trade union association; the resolution sharply rejecting “narrow, jealous, and aggressive chauvinism and the interest-driven rationalism of businessmen”, which the large “Friendly Teachers’ Association”, comprising about 100,000 members, drew up in September 1912; and the sharp differentiation in this resolution between “exorbitant militarism” and the “defensive role of the Republican army”—are fruits of French teachers’ systematic training in the better traditions of republican thought, which were often referred to already in the organs of Social Democracy. The fact that the republican form of government does not already rule out class rule and class struggles, but in certain circumstances precisely brings them to the fore in their fullest acuity, should not lead us to underestimate their effect on political thinking. In France, the Republic relied to a high degree on teachers to defend its consolidation against clerical and monarchist parties and thus had to train them to conceive of the fundamental ideas of republicanism as lying in sharp contrast to the monarchist idea of the state. Seen in this way, these ideas lead, in the first instance, at least to

a theoretical aversion towards the cult of militarism, since historically as well as conceptually, monarchy and militarism grew on the same turf. But in the long term, as soon as a certain social division of the people and of the cultural level has been reached, theoretical aversion turns into practical renunciation. Only a very superficial observation can seek to disprove this argument based on the fact that, despite all this, the French Republic has consistently increased its military armaments. Historical traditions, with which the Republic was set on its way by the Empire, are not overcome by themselves over the course of a few decades, especially if they are burdened with an inheritance like the Alsace-Lorraine question. Also, no nation can calculate its military strength without concern for what is happening around it. In contrast, it can be observed that, despite the constantly increasing size of France's army, all the great political crises that France has faced since the foundation of the Third Republic—the MacMahon Crisis, the Boulanger Crisis, the Dreyfus Crisis, the Delcassé Crisis (1906)—have ended with the defeat of the military parties.⁸ Further, it is worth noting that military demonstrations have strongly receded in recent decades. The Agadir Affair of 1911 certainly put the national sentiment of the French to a disproportionately stronger test than the Case of Schnäbele did at its time in 1887.⁹ But how weak were the proclamations of 1911 compared to those of 1887–1889! Also to be mentioned here is the extraordinarily strong involvement of French parliamentarians in various international peace associations. Fernau observes that in 1912, of the 884 members of France's two legislative bodies—the Chamber and the Senate—511 had joined the Inter-Parliamentary Union.¹⁰ If we fully evaluate the strength of the factors that still endanger peace in France today, to which—*pace* Fernau—we will still count the influence of finance on politics, we must still agree with him that even today, the democratic idea is a strong factor for peace.

* * *

But how comes it that, despite this, the Republic has allowed itself to be dragged into the current war, that France, notwithstanding its democratic development, cleaves to its alliance with Tsarist Russia, and that now the French socialists too have reconciled themselves with it?

The first reason that came into consideration for the present war's recognition by all the various shades of French democracy is to be found in how it was immediately brought about. Our eventful times have dispelled

from many of our memories any recollection of the events that preceded the outbreak of war and have also fully extinguished most people's recollection of the sentiments that animated Social Democracy in all countries at that time. The ardent protests against Austrian policy and its defence by the German government that were published in the last week of July last year in both the organs of Social Democracy in other countries and those of German Social Democracy would appear to them as if from a time long past. One of the very loudest of them was the call, published by the party executive on 25 July in a special issue of *Vorwärts*, to party comrades for mass assemblies against the threat of war. In it, the German Reich government was urgently challenged, in case the war that was threatened by Austria's behaviour should really break out, not to let itself be dragged into participating in it under any circumstances. The wish of German Social Democracy that peace be preserved was proclaimed in the warmest terms both here and in many articles in the party press.

But things turned out differently. Under the influence of the events of the war and the aftermath of our vote on 4 August, both the mood and the verdict of that time vanished from the majority of the leading members of German Social Democracy's souls. If we can understand this, even if we judged things differently ourselves at the time—and judge them differently today—from the majority of our comrades, then we can also grasp that the feelings of people who saw no event take place that could have changed their verdict from that time—and both French social-radicals and French socialists are in this position—are still unchanged or in fact resemble still more strongly what, like them, the German social democrats felt then.

At the moment, I am only familiar with the French government's Yellow Book about the war from the extracts that the *Telegraph* has published from it.¹¹ But we do not need it in order to grasp the perspective and the behaviour of the French socialists. If they defend the view that the French government had not wanted war, then they can appeal among other things to the testimony of Jean Jaurès, who both in the International Socialist Bureau's session in Brussels on 29 July and in his great speech in the Circus Royal gave his word that the French government was working for peace.¹² He declared emphatically:

The French government is the best ally for peace for this admirable English government, which has seized the initiative for mediation. And it is influencing Russia with its counsels in the interests of wisdom and patience.

At the time, and also in the last discussion that he had with representatives of the government on 31 July, Jaurès energetically insisted that France must cancel its alliance obligations to Russia if Russia did not agree to mediation proposals, especially if it declared war itself. But, as things seemed to the French, Russia had done the former and refrained from doing the latter—it agreed to all mediation proposals, and ultimately Russia also did not declare war. War, declared by Germany on Russia and France, came, on top of everything, at a moment where Russia was defending the cause of a people that was in danger of being overwhelmed by an over-powerful neighbour, and where Russia's and France's enemies demanded that another people lend its hand against its will to attack it. If we recall that, in those days, there was also not *one* neutral country whose Workers' Democracy would not have taken a harsher position towards Germany and Austria than towards Russia, we will also understand that the Proletarian Democracy of France could have turned its back on Russia even less. If it did not wish to entirely abandon the defence of its country, it had to let the fact of the alliance with Russia stand as an interim necessity.

The relevant capitalist interests are obvious. Confronted with the German Reich, which was becoming ever stronger, France could only secure its power position in Europe through an alliance with another great power. And Russia simply presented itself for this, since it had already raised its voice in 1870–1871 against too far-reaching a weakening of France, and wielded its powerful veto in 1875 when Bismarck tried to ban France from rebuilding its armed forces by threatening a new war in that year. But the attempt by Bismarck and his successors to distract France from the idea of reconquering Alsace-Lorraine with a preoccupation with colonial policy could at most have its desired effect among a part of the bourgeoisie. With the wider mass of the people, it had to fail, because in their eyes the idea of revenge included a democratic idea of right, because for a long time, reconquering those provinces meant liberating former fellow citizens who had been violated. So long as Alsace-Lorraine stood under dictatorship, the French counted it as just as oppressed as the Germans once did Schleswig-Holstein, and it was thus very hard to separate the demagogic chauvinism of the venal politicians from the democratic idea of restoring the legitimate situation of a part of the country that lay under dictatorship. The “*Vous rendez nous l'Alsace et la Lorraine*” rested in this sense on the same idea of right as our onetime:

*Schleswig-Holstein, meerrumschlungen,
Deutscher Sitten hohe Wacht,
Wahre treu, was schwer errungen,
Bis ein schön'rer Morgen tagt.*¹³

Only the introduction of constitutional rule in Alsace-Lorraine helped diminish the power of the idea of revenge over people's minds and helped greatly expand attempts in France at German-French *rapprochement*, of which we spoke more above, and which the war has now abruptly interrupted. Still at the Easter conference of the German-French Committee of Understanding in Basel in 1914, Jaurès declared to me in the most certain terms that the guarantee of self-government for Alsace-Lorraine within the framework of the German Reich would, for France, put a complete end to the Alsace-Lorraine question for good. Whereby, at least, if this had been achieved, the Franco-Russian alliance would have lost any significance for democracy in France, and it would now have achieved the basis of a truly democratic foreign policy.

Admittedly, a transformation of diplomacy itself in a democratic vein would have belonged to this as well. However, in political questions the French are the most logical people in the world; once they have taken up a political idea, they do not give up until they have carried it through to its ultimate consequences. We might expect of them that, as regards the democratisation of diplomacy, they would also take more radical steps than any other great nation before them. How necessary this reform is—what can show this more tangibly than the present war? A war, which—we may say—in reality not *one* of the statesmen who have to lead foreign policy in the participating states really wanted, and which, to use the words of one of their company, came over *all of them* “like a calamity”, but for which diplomacy must nevertheless share the chief blame, thanks to its undemocratic organisation.

In his article “Common Sense About the War” in the latest issue of the *New Statesman*, George Bernard Shaw has also said various things about this that provide a highly suitable starting-point for an observation about the democratisation of diplomacy. That can wait for the next chapter. But here, we should pre-empt a passage from Shaw's essay, which points to another aspect of the theme of democracy and foreign policy. In his introductory remark, Shaw writes:

[u]ntil Home Rule emerges from its present suspended animation, I shall retain my Irish capacity for criticising England with something of the detachment of a foreigner, and perhaps with a certain slightly malicious taste for taking the conceit out of her.¹⁴

Even if Shaw exaggerates his own feelings here, his words nonetheless illuminate a significant phenomenon in the present war. Granting self-government to Ireland is a democratic measure. It was put on the agenda by the Campbell-Bannerman Cabinet when it came into government nine years ago. But through the procrastinating arts of the Conservatives, to whom the House of Lords was subservient, its realisation was thwarted again and again, so that after many efforts—the constitutional change regarding the Lords' veto right—Home Rule finally became law but has still not yet entered into force. Without this procrastination, that is, if perhaps Ireland already had five or six years of self-government, there would be no significant anti-English movement to speak of in Ireland and among the Irish in America. Conversely, if the procrastination had succeeded this time again as well, had it managed not even to let Home Rule become law, today two-thirds of Ireland and probably nearly the whole Irish population in America and in the English colonies would be on the side of England's enemies. Likewise, without granting self-government to the Transvaal and the Orange Free State, British South Africa would have seen quite a different conflagration to the modest flame of the Beyers-de Wet rebellion, and without decisively renouncing the anti-democratic administration of Lord Curzon in India, great parts of the latter would now be in flames.¹⁵

Democracy is the best prerequisite of a healthy foreign policy. But at the same time, as the Viennese sociologist Rudolf Goldscheid magnificently elaborates in his recently published work *The Relationship of Foreign to Domestic Policy: A Contribution to the Sociology of the World War and World Peace*, a truly democratic domestic policy is impossible in the long term alongside an undemocratic-imperialist foreign policy.¹⁶ History has shown by many examples that democratic rights and healthy democracy are two very different things. But several people seem to have wholly forgotten this today.

NOTES

1. [Ed. B.—Hermann Fernau: *Democracy in France: Social-political studies from France's cultural laboratory*. Munich and Leipzig 1914. Duncker and Humblot. 350 pp. 8^o. (5 marks.) pp. 32–33]. Hermann Fernau (1883/1884–?), German lawyer, journalist, and pacifist activist, author of *Die französische Demokratie: sozialpolitische Studien aus Frankreichs Kulturwerkstatt* (Munich and Leipzig: Duncker & Humblot, 1914), reference at pp. 32–33.
2. [Ed. B.—p. 34].
3. [Ed. B.—p. 170].
4. [Ed. B.—p. 195].
5. Julius Goldstein, *Bevölkerungsprobleme und Berufsgliederung in Frankreich* (Berlin: Guttentag, 1900). Julius Goldstein (1873–1929), German sociologist, pragmatist philosopher, and physicist.
6. [Ed. B.—p. 201].
7. [Ed. B.—p. 206].
8. Marie Edme Patrice Maurice, Count de MacMahon (1808–1893), French general and politician, who was forced to resign after dissolving the *Chambre des députés* (the French parliament's lower chamber under the Third Republic, 1875–1940) in May 1877, thereby creating a constitutional crisis over the distribution of power between president and legislature. The 1889 Boulanger Crisis concerned the feared dictatorial pretensions of Georges Ernest Jean-Marie Boulanger (1837–1891), French general and politician, who won several elections during the Third Republic on an explicitly revanchist nationalist platform. The 1894–1906 Dreyfus Affair was a miscarriage of justice, where the Alsatian-Jewish artillery officer Alfred Dreyfus (1859–1935) was falsely accused and imprisoned for allegedly communicating French military secrets to Germany. Théophile Delcassé (1852–1923), French statesman, architect of the *Entente Cordiale*, and French foreign minister from 1898 until he was forced to resign in 1905 after the First Morocco Crisis. See present volume, pp. 251, 257n.
9. The Schnaebelé Affair, where a police inspector named Guillaume Schnaebelé was arrested by German secret police agents on the Franco-German border near Pagny-sur-Moselle in April 1887, was an incident during the wider Boulanger Crisis. On the Agadir Crisis, see present volume, pp. 251, 257n.
10. The Inter-Parliamentary Union, founded by Frédéric Passy and William Randal Cremer in 1889, is a forum designed to facilitate dialogue between national parliaments and parliamentarians, with the aim of fostering the peaceful arbitration of conflicts.

11. [Ed. B.—Written at the end of 1914]. See Max Beer, *“Das Regenbogen-Buch”*: *Deutsches Weissbuch, österreichisch-ungarisches Rotbuch, englisches Blaubuch, französisches Gelbbuch, russisches Orangebuch, serbisches Blaubuch und belgisches Graubuch: Die europäischen Kriegsverhandlungen: Die maßgebenden Dokumente, chronologisch und sinngemäß zusammengestellt, übersetzt und erläutert* (Bern: Verlag Ferdinand Wyss, 1915).
12. Auguste Marie Joseph Jean Léon Jaurès (1859–1914), French socialist politician and anti-militarist, leader of the French Socialist Party, which merged with Jules Guesde’s Socialist Party of France in 1905 to form the French Section of the Workers’ International (SFIO), assassinated by nationalist extremist Raoul Villain at the start of WWI.
13. Translation:
 - Schleswig-Holstein, surrounded by the seas,
 - High watch of German customs,
 - Keep true what has been hard-won,
 - Until a better day dawns.
14. George Bernard Shaw, “Common Sense About the War”, in *The New York Times Current History of the European War* (New York, NY: The New York Times Company, 1914), vol. I no.1: “What Men of Letters Say”, p. 11.
15. The 1914–1915 Maritz rebellion, led by Christian Frederick Beyers and Christiaan de Wet, was a failed Boer insurrection that sought to re-establish the South African Republic in the Transvaal.
16. [Ed. B.—Vienna-Leipzig, Anzengruber-Verlag]. Rudolf Goldscheid (1870–1931), Austrian sociologist, philosopher, pacifist, and human rights activist.



The Democratisation of Diplomacy

I G. B. SHAW ON ENGLAND'S DIPLOMACY

At the start of the war, quite harsh words could be heard from bourgeois voices about our diplomacy, and in fact all the harsher the more emphatically the speaker declared his enthusiasm for the war. For these people's rebukes did not refer to the fact that diplomats had not prevented the war but rather the opposite. In fact, we must beware of accepting the complaints levelled at diplomats at face value without distinction or hesitation. Our highly educated Europeans of the twentieth century are not much different in political matters from savages or half-savages, who remonstrate with their gods if they do not give them the weather they need or believe they need at that moment. Some time ago, in a session of the Reichstag Budget Committee, serious complaints were raised by the bourgeois side against the German diplomatic representative in some country or other, because major events that had taken place there had wholly escaped his notice, whereas a non-diplomatic representative of the Reich who happened to be there had observed them in time and drawn attention to them straightaway as well. But, would you believe it, in its answer to these reproaches, the Foreign Office was able to put forward reports about those events by the diplomat who was under attack which were more detailed, more precise, and dated significantly earlier than the reports of the non-diplomat who was supposedly more on the ball.

There have been diplomats and diplomats at all times, and it will be like this under any system as well. Self-evidently, given the tasks that diplomats have to fulfil, which change with states' social development, the demands for their training and the fundamental principles for their recruitment will have to become new ones as well. Our bourgeois parties have long since understood this. In his already mentioned treatise "Common Sense About the War"—cf. the chapter "Democracy and Foreign Policy"—G. Bernard Shaw demands for England, among other things,

that ... the present regulation which exacts the qualification of a private income of at least £400 a year for a position in the Diplomatic Service [be] replaced by a new regulation that at least half the staff shall consist of persons who have never dined out at the houses of hosts of higher rank than unfashionable solicitors or doctors.¹

With this, he is fundamentally only demanding something that the bourgeois parties in the German Reichstag have already successfully worked for, and for which self-evidently the socialists voted as well. But, as far as it goes, it only amounts to an *embourgeoisement* of diplomacy, which is still far removed from democratisation, and promises no efficacy at all as a safeguard against wars. We have learned quite enough that bourgeois class affiliation does not make someone a peace diplomat by a long stretch.

Shaw knows this as well, and this is therefore precisely his masterstroke in demonstrating to the English, who present Prussian Junkerdom as the main culprit for the current war, by reaching back to the etymology of the word *Junker*, that their own politicians are, after all, only "Junkers" as well. A *quid pro quo* that doubtless justifies itself with the very praiseworthy aim of putting the house in order at home. But this joke will doubtless also become a poor one if people here trot it out who know very well what concept we associate with the expression *Junker* in politics here. In general, we should protest against the misleading games that part of our press is playing with the speeches and essays of Shaw, Macdonald, Keir Hardie, and other British opponents of England's present policy when it cites their essays about England's foreign policy only just insofar as they criticise the government there. It is all well and good that we get to hear this criticism. But if we attribute influence and power of judgement to those who make this criticism—and if not, it would make no sense to even think about them—then we owe it to them and to our public to repeat their verdict in its entirety, if not *verbatim* then at least after its proper meaning.

Shaw holds the diplomacy of Sir Edward Grey responsible for the war. But he does so in quite a different way to how it is perceived here on the basis of partial quotations from Shaw. Since the matter is relevant to our theme, it is worth dwelling on it, especially as Shaw is a man who is read all over the world today and above all has the ear of the public in the United States.²

When news of Austria's ultimatum to Serbia reached St. Petersburg, Russia's Foreign Minister Sazonov, as we now know, called together the ambassadors of France and England and explained to them that Russia could under no circumstances remain passive in the face of Austria's behaviour.³ The ultimatum would lead to war if Russia, France, and England did not immediately together demand that Austria, behind which stood Germany, moderate the demands it had put to Serbia. The French ambassador believed that he could confirm France's cooperation unconditionally. By contrast, the British ambassador, Sir George Buchanan, explained that he did not believe that his government would be amenable to such an action, and when he notified Grey of this, he received the reply that he had spoken entirely to his purpose.⁴ A peaceful mediation had to be attempted and, in addition, Germany would have to be involved as well. To which purpose, Grey approached Germany and Austria almost pleadingly with his various proposals. Shaw argues that these begging errands were Grey's fateful mistake. According to him, Sazonov was the only statesman who at that point in time looked the facts in the face, recognised the situation correctly, and outlined the right path to take. Taking as a basis the correspondence printed in the English Blue Book, Shaw has the Russian minister preach to Grey, in effect, the politics of "what is" as follows:

You know very well that you cannot keep out of a European war. You know you are pledged to fight Germany if Germany attacks France. You know that your arrangements for the fight are actually made; that already the British army is commanded by a Franco-British Council of War; that there is no possible honourable retreat for you. You know that this old man in Austria ... is resolved to make war on Servia [*sic*]. ... You know that he has the Jingo mob of Vienna behind him. You know that if he makes war, Russia must mobilise. You know that France is bound to come in with us as you are with France. You know that the moment we mobilise, Germany, the old man's ally, will only have one desperate chance of victory, and that is to overwhelm our ally, France, with one superb rush of her millions, and then sweep back and meet us on the Vistula. You know that nothing can stop this except Germany remonstrating with Austria, and insisting on the Servian case

being dealt with by an international tribunal and not by war. You know that Germany dares not do this, because her alliance with Austria is her defence against the Franco-Russian alliance, and that she does not want to do it in any case, because the Kaiser naturally has a strong class prejudice against the blowing up of Royal personages by irresponsible revolutionists, and thinks nothing too bad for Servia after the assassination of the Archduke. There is just one chance of avoiding Armageddon: a slender one, but worth trying. You averted war in the Algeiras Crisis, and again in the Agadir Crisis, by saying you would fight. Try it again. The Kaiser is stiffnecked because he does not believe you are going to fight this time. Well, convince him that you are. The odds against him will then be so terrible that he may not dare to support the Austrian ultimatum to Servia at such a price. And if Austria is thus forced to proceed judicially against Servia, we Russians will be satisfied; and there will be no war.⁵

In however many details this juxtaposition may be in error—quite apart from the drastic turn of phrase that Shaw favours—I believe I can describe it as accurate in one regard: if war was now to be avoided at all, Mr Sazonov was probably right when he said to the English ambassador on 25 July 1914 (I quote from the latter's report):

He (Sazonov) does not believe that Germany really wants war; but her attitude would be determined by ours. If we were to take your stand firmly with France and Russia, there would be no war. If we were to fail them now, rivers of blood would flow, and we would in the end be dragged into the war.⁶

That Grey did not go in for this Shaw pins on his deference to the left-liberal press—*Manchester Guardian*, *Daily News*, and so on. This deference to the party press was the shame of liberal English diplomats:

In vain did Sazonoff repeat, "But if you are going to fight, as you know you are, why not say so?" Sir Edward, being Sir Edward and not Winston Churchill or Lloyd George, could not admit that he was going to fight. He might have forestalled the dying Pope and his noble Christian "I bless peace" by a noble, if heathen, "I fight war". Instead, he persuaded us all that he was under no obligation whatever to fight. He persuaded Germany that he had not the slightest serious intention of fighting. Sir Owen Seaman wrote in *Punch* an amusing and witty No-Intervention poem. Sporting liberals offered any odds that there would be no war for England. And Germany, confident that with Austria's help she could break France with one hand and Russia with the other if England held aloof, let Austria throw the match into the magazine.⁷

It was only then that the London Foreign Office, “always acting through its amiable and popular but confused instrument Sir Edward”, unmasked its Junkerly military battery. Suddenly, Grey announced that England would have to participate in the war. But he did not say so to the English people, “it being against the diplomatic tradition to tell them (the people) anything until it is too late for them to object”, but to the German ambassador, and in this way set a deadly trap for him. However insistently Prince Lichnowsky pleaded for peace between Germany and Great Britain, Grey had only a “no” to all Germany’s offers, as document no. 123 of the Blue Book shows.⁸ He only admitted the lone prospect that, if Belgium’s neutrality was not infringed, the liberals would probably not be amenable to war. And he provided against this chance by committing England to the war the day before he let the cat out of the bag in Parliament. So nothing was left for Germany but to take up the fight with the entire Triple Entente:

And when the Germans, taking a line from the poet they call “our Shakespeare”, said: “Come the four quarters of the world in arms, and we shall shock them”, it was, from the romantic militarist point of view, fine. What Junker-led men could do they have since done to make that thrasonical brag good.⁹

However, with Shaw, the harsh criticism of British diplomacy does not apply to its goal of shielding France but only to the convoluted way in which Grey pursued it, according to him. In this matter, Shaw writes, thereby merely expressing the opinion of five-sixths of Democracy outside Germany, “the German Junkers had nothing for which to reproach the English Junkers”. Like them, they had drunk to “*the day*”,¹⁰ and therefore they should not have allowed England to choose this “day” after they had riled it for so many years.

And that is why Sir Edward had a great surprise when he at last owned up in Parliament. The moment he said that we could not “stand aside with our arms folded” and see our friend and neighbour France “bombarded and battered”, the whole nation rose to applaud him. All the Foreign Office distrust of public opinion, the concealment of the Anglo-French plan of campaign, the disguise of the Entente in a quaker’s hat, the duping of the British public and the Kaiser with one and the same prevarication, had been totally unnecessary and unpopular, like most of these ingenuities which diplomatists think subtle and Machiavellian. The British Public had all along been behind Mr Winston Churchill. It had wanted Sir Edward to do just

what Sazonoff wanted him to do. ... We were perfectly ready to knock the Kaiser's head off just to teach him that if he thought he was going to ride roughshod over Europe, including our new friends the French, and the plucky little Belgians, he was reckoning without old England. And in this pugnacious but perfectly straightforward and human attitude the nation needed no excuses because the nation honestly did not know that we were taking the Kaiser at a disadvantage, or that the Franco-Russian alliance had been just as much a menace to peace as the Austro-German one.¹¹

But the Foreign Office did know that, hence its many "superfluous, disingenuous, and rather sickening" excuses.

* * *

Let us pause here for a moment. The reader will himself know how to separate the wheat from the chaff in this mixture of healthy human reason and exaggeration, of perspicacity and conceptual shenanigans, which is how Shaw's comments appear. Overall, what emerges is that Shaw does not whitewash or denigrate but is anxious to distribute light and shade where they rightfully belong. He does not accuse Grey of not having wanted peace but claims that he deceived himself and others about the true state of affairs, and he presents the British Secretary of State for Foreign Affairs not as a cardsharpener but as a politician who acted wrongly, which from the point of view of the task posed to him is surely the heavier accusation. But does he hit the mark in that regard?

Precisely on this point, I cannot agree with Shaw. My first impression when I read the English White-Blue Book was certainly also that, if war was to be averted at all, this could only happen if Grey, following Sazonov's proposal, and after Austria's ultimatum had become known, had unreservedly joined France at Russia's side and put the latter in the position of presenting Austria and its ally Germany with an either-or decision without further ado. But this does not stand up to more precise scrutiny. For if, in the best case scenario, the *immediate* outbreak of war could have been avoided by England acting in this way, by contrast the entire international situation would then most certainly have been made extraordinarily worse. The influential circles in Germany would have received this response on England's part with no lesser hostility than its current stance; they would have made only England responsible for the retreat demanded of Germany and Austria, and the result would have been a second, more aggravated version of 1911. This emerges convincingly from the works of the

National-Social Rohrbach about the war. But even Rohrbach and Jäck realise that Grey's policy was directed towards a *détente* in the German-English antagonism.¹² Through all of Grey's despatch exchanges with Berlin, Vienna, and St. Petersburg, the same declaration always returns as a golden thread: "We no longer have any direct interest in the Balkans, and we do not want to be dragged into a war because of the Balkan question." A credible declaration because it agrees in its tendency with the German-English accord on the Baghdad railway, which was already complete, expanded, and now only awaited the stamp of approval.¹³ If we take into account that, in what Shaw declares to be the right approach, there would still only have been a weak possibility of making Germany and Austria give way through a counterbluff—for it would not have been anything else—but that precisely this bluff could just as easily have led to the explosion, then one will find Grey's resistance to Sazonov's challenge very understandable on the part of a liberal-democratic English statesman.

The last accusation that can be levelled against Grey is that he initially chose to attempt a mediation that spared everyone's sensibilities. This way, too, was not as unsuccessful as Shaw lets it appear. Anyone who refers to the despatches exchanged between London and Berlin in July will find that, until 29 July, they became increasingly friendly which led to Berlin finally "pulling the trigger" on Vienna on that day, which was also not without effect. Whichever other events on 31 July produced the backlash that led to the war has nothing more to do with the question that Shaw raises and thus do not need to be discussed here.

Shaw commits the mistake of letting the more brutal policy—brutal in the sense of coarse-grained—appear to be the more radical one. But openness in politics and the politics of the clenched fist are two very different things. After all, people knew in the *Wilhelmstraße* in Berlin just as well as on the *Nevsky Prospekt* and the *Quai d'Orsay* that, *in extremis*, England would stand with France and, because the latter was going along with Russia, would then also go along with it. When Grey judged it necessary to bare his soul to the German ambassador on this point on 29 July, the response came from Berlin that they accepted the news "with regret, *if not also exactly with surprise*", and that they respected Grey's "openness and loyalty". From the German secret reports that the *Norddeutsche Allgemeine Zeitung* published on 16 October 1914, we know, in addition, that Berlin had already had the text of the French-English Naval Treaty in its hands in March 1913—even though Grey only announced it to the world on 3 August 1914—and that it was very precisely informed about Grey's manipulation by Paris and St. Petersburg.

I can agree just as little with Shaw when, led astray by his aversion to all sentimentality, he pokes fun at Grey's deference to England's liberal press when it stood up for peace. If this press did not have the nation behind it, then its stance in the fateful July days was all the more worthy of recognition. In such times of crisis, we know what appears as "the voice of the nation" only too easily. However, on another occasion, Shaw does a better job of estimating the significance of the intuitively democratic instincts among the people. Where he comes to speak about the war itself, he declares it a mistake on Germany's part, through which it harmed itself unnecessarily, that it began the war with an attack on the West. And why? Let us hear him again:

The matter is simple enough: she (Germany) should have entrusted the security of her western frontier to the public opinion of the west of Europe and to America, and fought Russia, if attacked, with her rear not otherwise defended. The Militarist theory is that we, France and England, would have immediately sprung at her from behind; but that is just how the Militarist theory gets its votaries into trouble by assuming that Europe is a chess board. Europe is not a chess board; but a populous continent in which only a very few people are engaged in military chess; and even those few have many other things to consider besides capturing their adversary's king. Not only would it have been impossible for England to have attacked Germany under such circumstances; but if France had done so England could not have assisted her, and might even have been compelled by public opinion to intervene by way of a joint protest from England and America, or even by arms, on her behalf if she were murderously pressed on both flanks.¹⁴ ... Thus Germany would at worst have been fighting Russia and France with the sympathy of all the other Powers, and a chance of active assistance from some of them, especially those who share her hostility to the Russian Government.¹⁵

This remark is noteworthy from various perspectives. For our question, two statements in it are particularly of interest.

"Not only would it *have been impossible* for England to have attacked Germany under such circumstances." "England might even *have been compelled* by public opinion to intervene on Germany's behalf ... by arms." There, Shaw says something that I have developed elsewhere as well. But how should this happen without that aforementioned intuitive democratic judgement or, to use another fitting expression here, without the upsurge of a *democratic sense of justice*? We can very much empathise with Shaw's

aversion to decorating any kind of interest-based policy with ethical slogans. But the possibility of misusing ethical concepts is not a sufficient reason not to recognise them as a fact and as having effective force. In our times, where the tendency to picture the relations between peoples as if they had to be determined by questions of economic interest and certain capitalist classes' need for power asserts itself ever more, democratic ideas of right cannot be emphasised energetically enough, if peoples are not to lose all feeling for right and wrong in state politics. Misusing fundamental principles of right is not the greatest evil, for it still means recognising them, it means violence bowing to the idea of right. It is worse to present them through a beguiling dialectic as mere embellishment with which people decorate themselves if it suits them and which they lay down if it becomes uncomfortable.

When Shaw describes the speech with which Minister Asquith justified England's participation in the war on 6 August 1914 in the House of Commons as a calculated barrister's game, I thoroughly agree with him. This speech lies well below the speeches of Grey on 3 August and Bethmann-Hollweg on 4 August. The German Reich Chancellor and the English Secretary of State for Foreign Affairs each developed in their own way the great questions of *national interest*, which in their opinion determined the stance of the government for which they spoke, and both of their speeches remain essentially *political*. But Mr Asquith sought to garb all political interest in *morality* and presented England as merely entering the world war to secure the sanctity of treaties and the independence of the small states of Europe. Both of which in the given case were and are surely secondary motivations, but in no way the decisive reason for England's participation in the war. Instead, in his speech on 3 August, Grey frankly described as such a reason England's interest in preserving the so-called European balance of power or, expressed in other words, *England's fear* of the immensely powerful position that a victory of the German Reich, allied with Austria-Hungary, would give the former over France and Russia.

However, establishing that this interest or this fear was the motivation that made England's leaders decide to participate in the war does not yet mean accepting that the questions Mr Asquith raised are now irrelevant for Europe's democratic development. They contain a core idea which nobody has more reason to nurture than Proletarian Democracy. The *contract* [*Vertrag*] is the fundamental right of modern democracy, and it cannot allow the force of its validity to be shaken without betraying itself. The

same applies to the fundamental principle of *nations' independence* from any power except international law, which is equal for all nations. Democracy may not allow these fundamental principles to be shaken. In rejecting barrister's games with them, it must at the same time take its stance in the strongest terms against the tendency to diminish their significance in favour of desires for conquest of any kind under the pretext of apparent economic necessities, which reveals itself here and there.

Shaw comes to the same conclusion from another angle. And as regards England's support for France, he even goes so far as to argue that, when Germany showed that it was determined to draw its sword against France, there was nothing whatsoever left for England other than to come to France's aid. However sympathetically he otherwise judges the German Reich Chancellor, he has for the latter's declaration that the fight taken up by Germany was a "struggle for life or death" only the cool remark: "these Militarist statesmen do really believe that nations can be killed by cannon shot."¹⁶ And he dismisses the German statesmen's assumption that England could be persuaded to stay out of Germany's war against France with the remark: "whether the Germans assumed us to be unscrupulous Militarists or conscientious Democrats they were bound to come to the same conclusion: namely, that we should attack them if they attacked France; consequently their assumption that we would not interfere must have been based on the belief that we are simply 'contemptible'."¹⁷ From *all* points of view, it was "impossible" for England "to have refrained from hurling herself into the fray, horse, foot, and artillery".¹⁸

The following is Shaw's justification of this "impossibility":

From the democratic point of view, it (England's staying out) would have meant an acceptance of the pretension ... to dispose of the world on Militarist lines. ... From the international Socialist point of view, it would have been the acceptance of the extreme nationalist view that the people of other countries are foreigners, and that it does not concern us if they choose to cut one another's throats. Our Militarist Junkers cried "If we let Germany conquer France it will be our turn next". Our romantic Junkers added "and serve us right too: what man will pity us when the hour strikes for us, if we skulk now?" Even the wise, who loathe war, and regard it as such a dishonour and disgrace in itself that all its laurels cannot hide its brand of Cain, had to admit that police duty is necessary and that war must be made on such war as the Germans had made by attacking France in an avowed attempt to substitute a hegemony of cannon for the comity of nations. There was no alternative. Had the Foreign Office been the International Socialist Bureau,

had Sir Edward Grey been Jaurès, had Mr. Ramsay MacDonald been Prime Minister, had Russia been Germany's ally instead of ours, the result would still have been the same: we must have drawn the sword to save France and smash Potsdam."¹⁹

Enough. It is self-evident that, compared to the reality, Shaw's latter deduction breaks down in the moment where proof is supplied that Germany only initiated the war formally and not in actual fact. However, the question of the objective correctness or incorrectness of Shaw's assumption is of no decisive significance for the object of our analysis and for Shaw's main thesis. We also cite his arguments above here because they also belong to the topic: "What Shaw really says". Shaw's overall verdict remains that the war is a defeat of what he calls secret Junker diplomacy—by the English no less than by England's enemies. One of the main demands must hence be "that the Secretary of State for Foreign Affairs be reduced to the level of a simple Prime Minister, or even of a constitutional monarch, powerless to fire a single shot or sign a treaty without the authority of the House of Commons" and that all diplomatic business should be conducted in a blaze of publicity.²⁰

This, combined with a demand for different recruitment of the personnel in the diplomatic service, is Shaw's proposal for the democratisation of diplomacy. Let us now examine whether enacting it would permit us to expect any improvements. Here only one more thing should be said. If Shaw lets the Secretary of State for Foreign Affairs have more power than the prime minister and the constitutional monarch, then this is no laughing matter. It is only a drastic way of describing an ill about which many of us who have had the opportunity to take a look inside the witches' kitchen of diplomacy have already complained before. Therein lies a difficulty which a very adept person described to the author of this work as the hardest nut to crack in the problem of the "democratisation of diplomacy".

2 PROPOSALS FOR REFORM

How little the social origin of a diplomat is a guarantee for the spirit of his politics one can trace by studying the documents published about the history of the present war. We see members of the feudal nobility, the titled nobility, and the untitled bourgeoisie at work here. But if we want to categorise these personalities according to the apparent breadth of their horizon, the keenness of their observational talent, and the strength of

their political sense of responsibility, we will get an extremely colourful mixture of classes or estates. It is only right that, so long as diplomacy exists at all, the conferral of offices must result from certain skills, knowledge, and the guarantees that the appointee provides regarding the political spirit with which he tackles the fulfilment of the tasks allotted to him. How knowledge and skills are to be established is a more technical question that does not need to concern us here. For us, the question is how to establish and control those other guarantees, and while today this is an urgent matter for the respective government and the leadership it installs in the Office for Foreign Affairs, political control still falls at the same time to the popular representative body, which has the last word in a parliamentarily governed country. But now, even in parliamentarily governed countries, this control by parliament is still highly questionable.

In the *Berliner Tageblatt* of 20 January (morning edition) 1915, Professor E. Sieper of Munich published an article on the question of which of England and Germany bore the blame for the war.²¹ In agreement with the English critics of Sir Edward Grey, he presents the latter as the scapegoat who fatefully lacked “the inhibitions of a man with a well-rounded education”. But, on the other hand, Prime Minister Asquith had completely placed his trust in Grey. “It is Asquith’s idiosyncrasy to leave ministers free leeway in their portfolios.” For thus the people who pulled the strings behind Grey had actually crafted England’s foreign policy. Not only Parliament but also Cabinet had not been informed about the measures from which the war was an “automatic” result. Sieper quotes the following from a letter by someone who knows England well: “Those who believed that England was governed under conditions of the widest publicity have been cruelly disappointed.” I could put forward a similar quotation from the mouth of someone else who is highly informed: “In England too *one man* ultimately determines policy.” If this was so, if Grey had, as a result of Asquith’s aforementioned idiosyncrasy, a free hand as Secretary of State for Foreign Affairs, then we understand in fact what G. B. Shaw is referring to if he demands that the Secretary of State for Foreign Affairs be “reduced” to the level of a simple prime minister or constitutional monarch. But it was not always like this in England. Instead, often enough, the prime minister administered foreign affairs himself or handed it over to someone who stood fully under his influence. And if it happened somehow or other that a single man determined the country’s foreign policy, this was not because Parliament lacked the power to change it but that it lacked enough drive to make use of its right to do so, a phenomenon

which we can certainly describe as dangerous. There has been no lack of occasions in England's history to be dissatisfied with the conduct of its foreign policy, as well as no lack of stormy outbreaks of dissatisfaction. But in these cases hitherto, opposition has always limited itself to the person who was leading foreign policy, or to the party to which he belonged, but left the system untouched. The possibility of toppling the whole government did not allow for any more serious efforts to reform the office and subject it to particular control. Overall, England has hitherto been governed in accordance with the fundamental principle that rewards should be commensurate to results.

In Germany, we have the outlines of a better system: the Budget Committee of the Reichstag and the Committee of the Bundesrat for Foreign Affairs. But the former lacks the power to act as an effective controlling authority on the leadership of foreign affairs, and the Bundesrat Committee flourishes in obscurity as a mere decoration. In questions that determine war and peace, here too *one* person or their commissary holds the decision in their hand, but here they do so constitutionally. This emerges clearly from the last sentence of the declaration of war delivered by Count Pourtalès to the Russian government, which made the world war a fact: "His Majesty the Kaiser, my exalted master, takes up the challenge in the name of the Reich and regards himself as in a state of war with Russia."²²

A democratisation of diplomacy would not be possible here without a constitutional change, and at least among the bourgeois classes in Germany there can be found not even the hint of a wish for such a change at this time. They are satisfied if the government occasionally gives confidential clarifications about the Reich's relations towards other countries in the Budget Committee of the Reichstag. How much clarification it gives, and which facts it wishes to keep to itself, is completely a matter for its own discretion. So when Shaw, in agreement with the Union for Democratic Control of Policy, founded by Norman Angell, John Burns, J. R. Macdonald, Ed. D. Morel, and Ch. Trevelyan, demands that the Foreign Office and the government may conclude no diplomatic treaty or accord in future without being explicitly empowered to do so by Parliament, and that all diplomatic business be conducted in a blaze of publicity, this shows quite aptly where the lever for democratising diplomacy needs to be attached, but is for us in Germany a hopeless proposal for perfection for the foreseeable future.²³ The same is true of Austria-Hungary and Russia. And if in republican France and parliamentarily

governed England constitutional obstacles do not stand in the way of its realisation, then on this point things stand as they do with armaments: what some do or refrain from doing prompts others to follow suit. So long as the antagonism between two groups of European powers continues, we cannot expect that this demand will be realised, however self-evident it is or should be for social democrats.

But there is still more. Even if it were realised today, only a first step towards democratisation would thereby be accomplished, but next to nothing would be achieved in the matter with which we are concerned here. For a provision that prescribed something to the effect that no diplomatic treaties or accords would be valid that had not been presented to the parliament and received its approval would still only affect those things that are duly set down in writing. And those are mostly innocent matters or those that seem innocent at least. Treaties always describe defence against attacks as the purpose of the accord; but what is dangerous about these accords are the things that are left unspoken, sometimes even unthought-of, which wreak their horror "between the lines".

A textbook case of this is the Anglo-French Naval Treaty, which Sir Edward Grey unveiled to the House of Commons on 3 August 1914, after it had existed for six years, initially as a verbal agreement and then for nearly two years as a written accord. It came into being at the time of the Morocco Crisis of 1906 as an agreement by the English government to offer material support to the French government in case it was forced to go to war over Morocco. Very well, said the French government, which likes to think things through more than the English one. "But if you want to help us effectively, you can only do that successfully, given the way wars are initiated today, if our naval and army experts have already ironed things out with one another beforehand." Grey recognised, as he explained, the force of this logic, and allowed these meetings to take place after consulting some of his colleagues. With the Morocco Crisis of 1911, the story repeated itself and led to the familiar scenes in the summer of that year. What played out behind the scenes between the two governments and in the bowels of the British Cabinet at the time is only known by hearsay. Still, we can regard it as an admitted fact that, in its formless guise, the accord went too far or was open to too far-reaching interpretation for some of the members of the British Cabinet, and so it was set out in writing in November 1912 in an exchange of letters between Grey and the French ambassador Paul Cambon, published in the English White-Blue Book under no. 105, but was already delivered *verbatim* to the German

government, as it announced to the world in the *Norddeutsche Allgemeine Zeitung* on 16 October 1914, in March 1913 by one of its diplomatic confidants abroad.

“The meshes of the net in which French diplomacy has succeeded in entangling England become ever tighter”—begins the confidant’s letter.²⁴ He describes the history of the accord’s emergence and says of its now fixed form:

The formulation of the agreements takes into account the English mentality (mindset) in its calculation. England formally takes on no obligation whatsoever to offer military assistance. According to the letter of the agreements, England retains a free hand to be able to act always only in accordance with its interests.

In actual fact, we read in the letters exchanged by the two governments that those consultations between their experts should “prevent neither of the two governments from deciding freely at some later time whether it had to support the other with force of arms or not”, and that the cabinets agreed

that a consultation between experts is not to be regarded nor should have been regarded as an obligation that binds the two governments to actions for an eventuality that has not entered in and may never enter in.

Hence, based on this wording, Sir Edward Grey could answer “no” to the questions repeatedly posed to him in the House of Commons about whether agreements existed between the English and French governments under which the former would have to assist the latter in certain cases at sea or on land, without thereby expressing a direct untruth. By contrast, the reporter to the German government writes:

But that England has *de facto* already irrevocably committed itself to the French idea of revenge through these agreements, combined with the military accords it has concluded, hardly needs particular explanation.

Whether “irrevocably” may remain an open question. The letters themselves speak further only of possible defence against or prevention of an “unprovoked attack” or an “event that threatens general peace”, whereby the adjective “unprovoked” was evidently meant to allay the English conscience. Two points are of significance for our investigation.

First, that the secret accord, as soon as it received written form, remained a secret from the government against which it was directed for scarcely four months.

Secondly, that before it was set down in writing, the accord constituted no less strong a moral obligation for the English government to lend support to the French one in a war it did not provoke, than the exchange of letters imposed on it.

From the perspective of aspiring to the goal of democratising diplomacy, we must demand that from now on, verbal arrangements should be treated in exactly the same way as written accords.

However, it is obvious that this would be significantly more difficult to achieve than the obligation to submit all written accords to the parliament and further to the public. Somewhere there a limit would have to be imposed regarding the kind and content of the arrangements that should be made known. But again and again, it will be possible to find means and ways of choosing such a form for them that leaves space open for them beyond that limit. So long as antagonisms exist between states for which war is regarded as the final arbiter, and so long as more than one state is regarded by other states as their common enemy or enemies, with whom they will one day have to settle their business by recourse to arms, we would expect the impossible of their governments if we believe that they would be willing to shout from the rooftops about all the arrangements they make with one another.

Yes, even if such a decree could be carried out, still little would thereby be achieved for our stated goal.

Let us again take the case of England and France. Can anyone believe in earnest that, once England and France had formed a friendship before all the world, England would have left France in the lurch, if that Naval Agreement had not been signed? It follows clearly from Grey's speech of 3 August that the Agreement influenced the English government's decision only insofar as it made its entry on France's behalf easier, but that the decisive reason for that entry was England's interest in France's undiminished power position in Europe. In his own way, avoiding strong words, Grey had already explained that to the German ambassador Prince Lichnowsky on 29 July (no. 89 in the Blue Book), and he allowed the English ambassador in Berlin to communicate this in full clarity to the German Reich Chancellor in answer to his "strong plea" for England's neutrality on 30 July.²⁵

The real reason for England's participation in the war is not to be sought in any accords whatsoever but rather in the real or presumed solidarity of interests between England and France, and between France and Russia, in the defunct Concert of Europe. Not accords but rather *relationships* have the deciding say. Expressed differently, political gravity determines how coalitions come together, and we will change nothing whatsoever in the workings of gravity by bans on agreements. If its conditions of operation enter in, then it works with the elemental might of a force of nature.

The Union for Democratic Control has made allowances for this and hence also demands:

The Foreign Policy of Great Britain shall not be aimed at creating Alliances for the purpose of maintaining the 'Balance of Power'; but shall be directed to the establishment of a Concert of Powers and the setting up of an International Council whose deliberations and decisions shall be public.²⁶

It does not need to be particularly demonstrated that here is revealed the guiding idea on the basis of which alone a democratic foreign policy is possible today. The policy of a European balance of powers is, given today's juxtaposition of states, necessarily undemocratic, if not anti-democratic. It can always only count as, at best, a lesser evil, for in accordance with its fundamental idea, it is the policy of latent war—as soon as the balance is disturbed or threatened, a *casus belli* exists. No less anti-democratic is the idea, promoted on various sides today, of placing Europe under the leadership of some predominant hegemon. For this can only be realised under conditions and in forms that carry the germ of new wars in themselves.

Only a foreign policy directed towards establishing a European union of states can still be a democratic foreign policy. The prospects for such a policy today admittedly seem meagre. But that is no reason not to establish it as a goal, since in this lies the compass for the intellectual behaviour of Social Democracy towards the present war, here alone lies the way out of the tsarism-militarism dilemma that so many cannot find. The victory of tsarism will put no end to militarism, nor the victory of militarism to tsarism, because militarism and tsarism are rooted in one and the same ground.

And if, as we have seen, a country's diplomacy is only the expression of its foreign policy, then we have now also found the way of democratising diplomacy from the ground up. Just as today already those branches of

the diplomatic service that relate to the factual common interests of all nations are those that, in their nature, most closely approach the institutions of democracy, so too political diplomacy will be able to democratise itself to the extent that its tasks are determined by that goal of the union of states. At this point, however, it must be remarked that the entire manner of states' external intercourse will, to the extent that the union of states grows to realisation through the elaboration of international law, also cast off the specific characteristics inherited from the time of courtly politics which we associate with the concept of diplomacy. So that we can also say that the democratisation of diplomacy is just another term for the *abolition of diplomacy*.

NOTES

1. George Bernard Shaw, "Common Sense About the War", in *The New York Times Current History of the European War* (New York, NY: The New York Times Company, 1914), vol. I no.1: "What Men of Letters Say", p. 30.
2. [Ed. B.—The *New York Times* published Shaw's essay, which comprised an entire pamphlet, in full in three issues in the lead article of its paper].
3. Sergey Dmitrievich Sazonov (1860–1927), Russian statesman and foreign minister from 1910 to 1916, and supporter of the White faction during the 1917–1922 Russian Civil War.
4. George William Buchanan (1854–1924), British diplomat and ambassador to Russia from 1910 until the Bolshevik Revolution in 1917.
5. Shaw 1914, pp. 19–20.
6. [Ed. B.—Blue Book, document no. 17: telegram from Sir George Buchanan to Grey]. Shaw 1914, p. 21.
7. Shaw 1914, p. 20.
8. Karl Max, Prince Lichnowsky (1860–1928), German ambassador to Britain during the July Crisis, author of a highly critical 1916 pamphlet that accused the German government of botching diplomatic attempts to avoid WWI, and the only German official to oppose supporting Austria-Hungary in a war against Serbia.
9. Shaw 1914, p. 21.
10. [Ed. B.—An allusion to the frequent assertion that "the day" of war with England had been drunk to in German casinos for years].
11. Shaw 1914, pp. 21–22.
12. Paul Rohrbach (1869–1956), German writer on colonialism and global politics, advocated eugenicist eradication of native Africans to make space for German settlers. Ernst Jäckh (1875–1959), German author, academic, and anti-Nazi activist, advocate of the German-Turkish alliance, and founder of the liberal think-tank *Deutsche Hochschule für Politik*.

13. The Baghdad Railway, originally proposed to connect Berlin with the (then-Ottoman) city of Baghdad to create a German port in the Persian Gulf, built from 1903 to 1940.
14. [Ed. B.—Shaw's article was written at the start of November 1914, when the war situation seemed to be fairly disadvantageous for Germany].
15. Shaw 1914, p. 25.
16. *Ibid.*, p. 23.
17. *Ibid.*, p. 28.
18. *Ibid.*, p. 26.
19. *Ibid.*, pp. 26–27.
20. *Ibid.*, p. 30.
21. Ernst Sieper, "England und der Krieg: Wer trägt die Schuld?", *Berliner Tageblatt*, 20 January 1915.
22. Jacob Ludwig Friedrich Wilhelm Joachim von Pourtalès (1853–1928), German diplomat and ambassador to Russia from 1907 until the declaration of war in 1914.
23. The Union of Democratic Control, founded in 1914, was a British pressure group that opposed militarism and campaigned for greater transparency in foreign policy. Its founders and main figures were Charles Philips Trevelyan (1870–1958), Liberal and later Labour politician; James Ramsay MacDonald (1866–1937), first Labour Prime Minister of the United Kingdom; Ralph Norman Angell (1872–1967), journalist, Labour politician, and later a member of the executive committee of the League of Nations; and Edmund Dene Morel (1873–1924), journalist, author, anti-slavery campaigner, and Liberal and later Labour politician.
24. *Norddeutsche Allgemeine Zeitung*, "Amtliche Aktenstücke zur Vorgeschichte des Krieges", 16 October 1914.
25. [Ed. B.—"From a material perspective, this proposal is unacceptable, since France, even if no further territory is taken from it in Europe, can be crushed so much that it loses its position as a great power and comes under the sway of German policy." (Blue Book no. 101)].
26. Edmund D. Morel, *The Morrow of the War* (n.d.), pp. 1–2. See H. Hanak, "The Union of Democratic Control during the First World War", *Historical Research* 36(94), pp. 168–180.



The Politics of Peoples and the Politics of States

A question which social democrats have to become especially clear about when discussing the choices which the world war has put in front of us is shown in the juxtaposition of the politics of peoples [*Völkerpolitik*] and the politics of states [*Staatenpolitik*]. It contains just about the whole complex of the disputes about the war that today bring national sections of the International of the Working Class and parts of Social Democracy in individual countries into conflict with one another.

Why so? We will quickly grasp the fundamental difference which the conceptual juxtaposition of the politics of states and the politics of peoples hints at if we go back to the difference between *people* and *state*.

The civilised peoples that are divided by the world war into two feuding camps live jointly and severally in states, but they themselves are not these states. They form them as their populations and thereby give them their national character, as the case may be, but they do not yet for that reason determine the state's political system, its domestic policy, and its policy towards other states and nations. There is an essential difference everywhere between state and people, which is certainly very varied in degree depending on the state's political constitution and the people's degree of civilisation. The state is the bearer and expression of certain societal power relations. Those societal classes or elements which for one reason or another have at their disposal the great means of social power, they are, taken politically, always *the* state in the last instance. Our great co-founder

of socialist theory, Friedrich Engels, described the state as the organ for the repression of classes by the respective ruling powers. This does not exhaust the functions of the state but distinguishes its role in the development of societal classes and their position in the state. So, at a certain stage of societal development, namely, when none of the great societal classes was strong enough on its own to dominate the other, could a Louis XIV of France say with some justification, as the highest master of military might: "I am the state (*L'état c'est moi*)". By contrast, in the middle of the nineteenth century, Louis Blanc declared something that was *not* the case when, in one of his educational pamphlets, he coined the phrase: "Man of the people, the state, that is *you*."¹ He gave the good idea that he had in mind a historically false and therefore erroneous formulation. The man of the people was and is sadly even today still so little "*the state*" that even the democratic franchise is nowhere enough to fuse people and state into a true unity.

The democratic franchise always finds the limits of its creative strength in the prevailing societal power relationships at any given time. It can be a means to change them up to a certain degree, but it is not enough to wilfully throw them into disarray through a mere majority decision anywhere. It has also not been enough to bring state power into the hands of the societal classes that constitute the *people* in the social conception of the word anywhere either.

Everywhere, the state is still in the hands of socially privileged classes which—both the upper bureaucracy and, despite all occasional frictions, the landed aristocracy—are today pervasively under the spell of the capitalist bourgeoisie that puts its mark on our era. The same applies with few exceptions to petty-bourgeois Democracy. Even in semi-absolutist Russia, the capitalist bourgeoisie may today say of itself: "The state, that is *us*."

And in no domain does that become so clearly apparent as in *foreign policy*. At home, no class rules without restraints, there even the capitalist bourgeoisie must make concessions of all kinds, be it to the right or the left. The furthest-reaching concessions it makes are those to the left, that is, to the working class, today in England, where the unions have been granted rights that they had not yet won anywhere else hitherto. But externally, the state practises the policy of the capitalist bourgeoisie, and it is in the first instance its interests that determine its behaviour towards other states and peoples. We have seen this happen in peacetime, and this takes place with even greater force in war.

However, we may not extrapolate from this to any full uniformity of their aspirations. These are determined to a high degree by the power relations that exist between the various groups within the capitalist class. And they are different from country to country, depending on their particular economic level and economic possibilities. To single out only one, let me point out the familiar fact that in England hitherto the textile industry—and within it, again, the cotton group—was the most influential capitalist group. “What Lancashire says today, all England says tomorrow”, was a general proverb. By contrast, in Germany, the textile industry lies far behind the mining industry in influence and that gives the aspirations of the capitalist class in foreign policy, just as in its war aims, where applicable, a substantially different aspect.

For this reason already it is superficial—and can only dull workers’ judgement—for people who consider themselves very radical to preach to them the cheap wisdom: “capitalists on the one side, capitalists on the other, the whole story does not concern you”. Things are just not as simple as that. However, in one respect the national bourgeoisies today are to a high degree essentially the same as each other. Namely in how they perceive and wield the *state* as an *organ of domination*—as an organ of mastery over popular classes at home and, depending on their desire and ability, also as an organ of mastery over inhabitants of territories that are subjected by military force. The state politics of the bourgeoisie in the major states, especially regarding their relations abroad, today again tends to be a politics of domination.

With that, it stands in exact opposition to the foreign policy of Democracy or more precisely—since democracies can err—to *democratic* foreign policy. This is and can only be the *politics of peoples* [*Völkerpolitik*]. That is, a policy that takes as its starting-point not states and their power interests but *peoples* and their vital necessities [*Lebensbedürfnissen*], to the latter of which also belongs their *national self-determination* within the framework of an *international* law that applies *equally* to all. The fundamental principles of such a politics of peoples were laid down by Social Democracy at its various national and international congresses in more or less detailed resolutions, and if we want to know what a foreign policy that conforms to these fundamental principles looks like when it is *applied* in practice, the manifesto which the extraordinary International Socialist Congress convened at Basel at the end of November 1912 passed gives a picture of it. There in Basel, a *politics of peoples* was proclaimed, and it is

well worth looking up the manifesto and asking ourselves the question whether, in light of the experiences that lie behind us, European democracies, and above all social-democratic parties, have the slightest reason to deviate from adhering to the fundamental principles laid down in it even by a hair's breadth.²

Where the bourgeoisie and the societal powers socially related to it hold the rudder of the state in their hands—or insofar as they wield it without restraints—state politics means the politics of violence [*Gewaltpolitik*], which also does not lose its character if the exercise of force distances itself from naked subjugation and makes use of more indirect forms. A treaty too, for example, can signify oppression if it is imposed by a state or a coalition in its own particular interest on other states or peoples. The state politics of the capitalist bourgeoisie today is geared towards such imposed treaties. But the politics of peoples under Democracy demands the *free contract*, that is, one which is not imposed by enemies, as a rule for the relations between nations and peoples. For Democracy, such an imposed treaty is fundamentally legally invalid, even if it may let it apply temporarily for reasons of the common good.

Power towards third parties and *possession* for the sake of increasing this power are the poles of state politics for the capitalist bourgeoisie. But the politics of peoples under Democracy has as its poles the *elimination* of all dependencies resting on *force* and the realisation—based on recognising the *solidarity* between peoples—of the great equal *league of peoples* [*Bundes der Völker*].

One should not object that this league too would be unable to do without force. For insofar as this is true, it could always only be used to support the purposes of the great general public against the claims and measures of particular interested parties which are hostile towards them. In politics, if subjections that rely on force are mentioned, then this should be reasonably understood to mean only the force of classes and class states over third parties.

The difference between the politics of states and the politics of peoples could be developed still further in various respects. That shall happen in another context. With the features presented here, it shall be the end of the matter for now. They will suffice to let us recognise that in capitalistically led states today we cannot practise the politics of states and of peoples all at once but must rather decide in favour of the one or the other. Certainly, we cannot simply dismiss the given circumstances. But it is a matter of ascertaining and retaining certain *fundamental* viewpoints in

choosing our stance towards political measures and demands and the *direction* that we have to stick to in our policy. Particular circumstances can occasionally impose on us the obligation to subject ourselves to some things against which we would under normal circumstances most definitely rebel. But they cannot justify injuring the fundamental principles of a policy if failing to uphold it meant that Social Democracy would stop being the bearer of the democratic idea. And therefore it is worth clarifying the character of this policy and the limits that separate it from the policy of the capitalist bourgeoisie.

NOTES

1. Louis Jean Joseph Charles Blanc (1811–1882), French historian, socialist politician, and advocate of cooperative economic reforms to guarantee employment for the urban poor.
2. [Ed. B.—Since this passage was written, the author presented guidelines for the party's peace aims to a combined session of the Reichstag fraction and the party committee of German Social Democracy convened in the middle of August 1915, for which the fundamental principles developed here provide a basis. They are printed in the issue of Social-Democratic Party Correspondence of 11 September 1915]. See "Manifesto of the International Socialist Congress at Basel", in *Extraordinary International Socialist Congress at Basel* (Berlin: Verlag "Vorwärts", 1912), pp. 23–27.



Parliamentarism and Foreign Policy

How does parliamentarism affect the conduct of foreign policy? This question has lately also been discussed in the social-democratic press (cf. *Vorwärts* of 24 September, lead article), and, as much as it seems to us to be of an academic nature, it is also thoroughly worth discussing here.¹ For with it, it is not just a matter of ascertaining what could be the case in our country but rather also of understanding the actual conduct of foreign policy in those countries which already have a parliamentary system of government.

A widespread view says that parliamentarism might have its advantages for domestic policy, but where it thoroughly fails is the domain of foreign policy. Under parliamentary government, the latter lacks that consistency which alone ensures its activity the strength it needs. Safety from volatile foreign policy, which lacks inner strength and the purposeful pursuit of certain goals, is provided only by a system of government with a strong and permanent central authority.

Against this view, hitherto advocated overwhelmingly by adherents of monarchism, it has already been pointed out with good reason in the lead article of *Vorwärts* mentioned above that non-parliamentary governments have also very often provided a picture of volatile foreign policy. Up until very recently, history presents a wealth of examples where the foreign policy of states without parliamentary government was conducted quite erratically, while precisely parliamentarily governed England has more

recently observed greater consistency in its foreign policy than many people expected, among them also leading German statesmen. Sir Edward Grey, who after the fall of the Conservative-Unionist Balfour-Chamberlain Cabinet became Secretary of State for Foreign Affairs in the Liberal-Radical Campbell-Bannerman-Asquith Cabinet in winter 1905–1906, not only developed and maintained the Entente with France, concluded by his Conservative predecessor Lord Lansdowne, but even extended and secured it by including Russia.

So far, parliamentarism would thus appear to be better than its reputation as regards the charge of necessary fickleness. But it would be false to attribute decisive conclusiveness for our question to this latter example without any hesitation. In the first instance, we must not forget that precisely the Entente with France and later with Russia came about thanks to the beneficial contribution, if not leadership, of King Edward VII, and if German nationalists at the time exaggerated the said monarch's role—just like they did his hatred of the Germans and his diabolical diplomatic skill—it is still a fact that the bearer of the English crown is always capable of exerting great influence on its foreign policy, and we should certainly also further assume that, until the end of his reign, so even after the fall of the Conservative Cabinet, Edward VII made copious use of this capability. Precisely the consistency regarding the Entente should thus be attributed here to a high degree to the fact that, in the determination of the country's foreign policy, Parliament and the government installed by it in England do *not* rule without restraints.²

In fact, many English people see an advantage of continuing the monarchic system of government and the determination of ministries by parliament in the fact that the bearer of the crown, removed from party conflict and its demands, represents the *permanent interest* of the country vis-à-vis party governments. If this is threatened by all-too vigorous changes of party leaders, he could act as its protector, which especially applies to foreign policy, whose threads, through the reports of embassies and the monarch's personal relationships, converge in his hands anyway. Moreover, through the consistency of his office, the monarch gains a wealth of experience in this domain over time, which gives him an advantage over the changing ministers in his knowledge about it.

All of that sounds plausible enough and also contains an element of truth. But it does not show the full truth, and besides, the matter also has its downsides.

In the first instance, we should remember that, until the second half of the nineteenth century, there was only little talk of consistency in England's foreign policy. On the contrary, England's two great historical parties, which struggled for parliamentary dominance, often represented very contrasting views regarding foreign policy and also practised it, if they were in power, in accordance with these views. Regarding mainland Europe, the Tories are traditionally anti-Russian and accordingly the obliging friends of Russia's enemies, Austria and later Turkey, whereas the Whigs like to flirt with St. Petersburg and repeatedly support Austria's enemies; likewise, the policy of the Whigs was, in contrast to that of the Tories, for a long time determined by the former's inclination towards Paris. A change of ministries has often enough resulted in a complete about-turn in foreign policy. Naturally, not always to the benefit of the country and Europe's development but also in no way always to their detriment. However, under these circumstances, England became an unreliable ally, and the phrase "perfidious Albion" in no small degree derives from the fact that parties with very divergent tendencies alternately determined England's foreign policy.³

If all princes were infallible, impervious to influence, and free of prejudice, the extraordinary authority of the crown could be regarded as a regulating factor for the better. Since they are not, this regulation for the better has also in no way always been for the best. Anyone who knows England's history knows how fateful, for example, was the influence of that English king who of all those who have borne England's crown wanted to be "his own minister of foreign affairs", namely George III. The very measured W. H. Lecky says of George III in his *A History of England in the Eighteenth Century* that it could "be said, without exaggeration, that he inflicted more profound and enduring injuries upon his country than any other modern English king", and J. R. Green writes in his great history of the English people: "George was in fact the minister through the years of [the North Ministry's] existence; and the shame of the darkest hour of English history lies wholly at his door."⁴ This is in reference to the United States' War of Independence, which the king's obstinacy and his minister Lord North's weakness had made inevitable. Incidentally, it was also down to George III's influence that, during the Seven Years' War, England suddenly abandoned its alliance with Prussia and, by halting its subsidy payments to the latter, nearly brought about its total defeat. Dynastic and not parliamentary power determined this act of "shameless

indifference to the national honour”, as Green calls it.⁵ Not the great parliamentary Pitt-Chatham but his enemy, the willing servant of princes Lord Bute, stood by George III’s side in this.

In all of this, in the eighteenth century it was the conflicting interests of the societal upper class that alternately tipped the balance in the formulation of foreign policy. The nineteenth century saw in England the rise of democracy and with that also new conceptions of the tasks of foreign policy. Could democratic parties accept the fundamental principle of the latter’s consistency? We need only remind ourselves that, under certain circumstances, this would mean binding democracy to the incitements of capitalist-imperialist parties in order to work out that the fine word consistency can harbour very dubious wares.

Thus, when in the last decade of the nineteenth century Lord Rosebery, the leader of foreign policy in the last Gladstone Cabinet, put out the word that England, in view of the new power relationships in Europe, could no longer permit itself the luxury of this see-sawing approach to foreign policy, but instead had to place it beyond party conflict, he met with opposition to this precisely from the democratic left of the Liberal Party. Rosebery’s Undersecretary of State was Sir Edward Grey, and the fact that he, on becoming Rosebery’s successor in 1894, initially presented himself as the latter’s pupil is one of the reasons why England’s democrats then and again in 1905, when Grey came into office for the second time, greeted his foreign policy with strong mistrust. And since Grey, as we have seen, continued and extended the Entente policy concluded by his immediate Conservative predecessor Lansdowne, this mistrust could also seem thoroughly justified.

In recent times, a transformation has taken place in how part of democratic England judges Grey in this respect. To understand it, we must keep in mind that the Entente policy was Janus-faced from the beginning. What made it offensive to England’s democrats was, *inter alia*, the risk of harnessing England to the games of vengeful French politicians. They least of all could have had anything against a compromise with the French Republic, which put an end to the eternal frictions between England and France. And likewise, a thorough break with the anti-Russian policy inherited from the Tories would have been quite to their taste. But as politicians who favoured peace, and who also aspired to good relations with Germany, they did not want to see England offer itself up as the shield-bearer for those vengeful politicians, and as democrats, they condemned the Anglo-Russian accord

over Persia, because it hindered Persia's development and freedom. The events of July 1914, which led to the war, and the war itself, naturally cannot remain without any effect on the opinion of democratic Englishmen about the possibility for a peaceful compromise with Germany. By contrast, in their eyes, the various diplomatic publications which the war has resulted in, instead permit the view that, while Grey initially adopted the Entente policy and brought it to completion, he kept endeavouring in earnest, at the same as continuing it, to liquidate it as well.

It is interesting how the impact of a development of this kind is reflected in reports by Belgian diplomats, which the German Foreign Office has just published, based on what it found while searching through the Belgian archives. The fundamental tenor that emerges from these reports is the Belgians' partiality towards Germany, aversion to the French, and testiness about English policy. The latter especially was presented by the Belgians for many years as the driving force behind the accords that aimed to bring about Germany's diplomatic isolation, but they themselves felt solidly united with Germany against England to a certain degree, as the English government at the time was leading the protest action against the Belgian administration of the Congo State. Later, the diplomatic reports sound more objective but still emphasise England's prejudice against Germany. However, from 1912 onwards, another tone breaks through, highlighting the English government's efforts to arrive at an understanding with Germany, and in the report of the Belgian ambassador to Paris, Baron Guillaume, it even says on 8 May 1914 that "serious and considered heads in France doubt that France, on the day of a European conflagration, would find help from the English" and adds that England "does not stop coquetting with Germany".⁶

The facts have refuted the fear of the "serious heads", although in any event it was at least correct that the language of English statesmen and England's leading press regarding Germany had indeed become friendlier. Now, since this transformation took place at a time when Edward VII had already departed this life, many would feel disposed to invoke this as evidence for the thesis of the consistency of monarchic and the fickleness of parliamentary foreign policy. They would be able to argue that, *because* Edward VII was no longer there, that was why the transformation towards dismantling the encirclement policy took place, and those who saw the late king of England as the soul of the policy even have to argue this. But whoever found this pernicious, can they

regret that the extra-parliamentary influence of the crowned diplomat—who according to the aforementioned theory should provide consistency—fell away, and that by freeing Parliament from his influence it became possible or easier to break through this familiar consistency?

It is irrelevant for our enquiry whether Edward VII's death really had that significance. The simple fact that it *could* have happened like that is enough to illustrate how unreliable the correction of the parliamentary system through recourse to personal rule is. It is a game of chance, with which Democracy cannot possibly be satisfied. Democracy has to seek the solution to this problem in quite another way, namely in working relentlessly for a relationship of states and peoples towards one another that *completely does away* with the remains of the old cabinet politics. But as long as this goal is not reached, its call cannot be “less parliamentarism” but “*more parliamentarism*”, that means: more rights for parliament in determining foreign policy and *more publicity*, more *free discussion* in respect of it.

If social democrats present parliamentarism as endangering the readiness for peace, they become guilty of a reprehensible deception of the people by telling a half-truth. Parliaments are neither flawless nor infallible; we know that only too well. But we also know that they are at their most dangerous if they act without control, if we lack or are limited in our ability to inform the people about which responsibilities it is subject to. Undoubtedly, it will happen not uncommonly that the bearers or representatives of executive power are more conscious of those responsibilities and wish to act in accordance with them to a higher degree than parliamentarians touting for the favour of deluded societal classes. In such cases, however, there is ten times more security to be found against the actions of the latter by making it possible—by liberalising speech and writing—to draw back the veil behind which it conceals itself, than through maintaining a situation that is neither night nor day. Twilight has always been the best opportunity for all deceivers.

Parliamentarism, without a free people behind it, is a double-edged sword. But on countless pages of history it is written that we do not improve things if we give over peoples' fates to the games of uncontrollable powers that everywhere surround the bearers of executive power and act on them with the greatest force where the people has no direct representation.

NOTES

1. *Vorwärts*, "Das Ergebnis der Reichskonferenz", 24 September 1916.
2. [Ed. B.—The ultranationalist English *National Review* brought out an article in its February 1916 issue entitled 'The failure of Sir Edward Grey' by the well-known Balkan expert Seton-Watson, in which he sought to prove that Grey's foreign policy was only circumspect and logical so long as Grey had the experienced and clever Edward VII behind him, and followed the latter's guidance, but immediately became uncertain and contradictory when Edward VII died. That Grey had inclinations that were too pacifist for the advocates of "strong" foreign policy, to whom Seton-Watson belonged, is generally known.
Where Edward VII is concerned, the English journalist Harold Begbie, behind whom Lord Haldane is said to stand, claims in a book that appeared recently (October 1916), *The Vindication of Great Britain*, that this king was candidly concerned to move Germany to a treaty of friendship with the Triple Entente, and had designated Haldane, whom he particularly valued, to carry out this idea. "It cannot be too emphatically stated or too widely known", he writes, "that Edward the Seventh never suggested, never supported, and never once entertained the notion of isolating Germany. His mind was not destructive but constructive." This representation of Edward VII's policy was followed in England by a lively newspaper polemic]. Harold Begbie, *The Vindication of Great Britain* (London: Methuen & Co, 1916), p. 41.
3. See, for instance, Alfred Geisler, *Das perfide Albion* (Berlin, c.1915).
4. John Richard Green, *History of the English People*, vol.8 (London: Macmillan, 1896), p. 17; William E. H. Lecky, *A History of England in the Eighteenth Century*, vol.3 (London: Longmans, Green, and Co, 1878–1890), p. 14. John Richard Green (1837–1883), English historian; William Edward Hartpole Lecky (1838–1903), Irish Whig-leaning historian and political theorist.
5. Green 1896, p. 35.
6. Jean-Gustave-Paul Guillaume (1852–1918), Belgian diplomat and plenipotentiary minister.



The Value of the Workers' International

As uncertain as the picture still is today of the form the political map of Europe will take when it emerges from this war, the outlook for the future of the International of the working class still is as well for the time being. That the world war has struck a crippling blow to its organism is an open secret and was even unavoidable to a certain degree. However, the effect of this blow has far exceeded such an inevitable degree, because at an important juncture, the organism of the International did not unfold that power of resistance against the hostile influences encroaching from the outside that would have been possible and that many people also expected. But here, we are not concerned with what might have been but rather with what actually is, and here we must say that the various attempts to reconstitute the International have failed precisely at the point or points where the organs that are most important for remedying this apparent paralysis are located. But as long as healing has not begun at these points, or to put it concretely, as long as the prevailing ill-humour between German and French Social Democracy is not resolved, the International remains crippled as a political force in the face of this world war and its continued effects, and with the increasing malady at the centres I described, this paralysis cannot leave the other organs untouched in the long term either.

There is no shortage of people in Social Democracy to whom this possibility seems something hardly to be frightened of—people to whom the International today already seems an “illusion that has been superseded”.

When Gustave Hervé recently wrote in *Guerre Sociale*, regarding the resolutions and behaviour of the Reichstag fraction of German Social Democracy in the August session of the German Reichstag, that the International is dead to him from now on, and that the worst French reactionary was now dearer to him than the Social Democracy of the German Kaiser, he is only drawing the consequences—in exaggerated form—of statements and events that have also come about on this side of the Vosges.

Let us not deceive ourselves; a great transformation is threatening to take place regarding the value of the International. It is not enough that the war itself is wreaking its divisive effect, in our own ranks there are elements at work that are trying to intensify this influence even more. Party papers and correspondences are doing today what we were previously able to reproach the nationalist yellow press [*Hetzpresse*] for with good reason. They are far busier in bringing together voices from the opposite camp who are sure to have an embittering effect than those who favour an understanding, and they interpret statements that are directed at certain classes and institutions in Germany as attacks on Germany itself. Whatever their motivations for doing so, this sort of thing can naturally only harm the international idea. In many circles, it must shake—if not completely destroy—belief in the reality of the International.

“But was the International a reality at all?” we may perhaps interject here. Or was it not really a tremendous self-delusion, a beautiful idea, but one that was not founded in reality?

That is a question that often crops up today in all kinds of forms and hence deserves a dispassionate analysis.

What do we mean if we speak of the reality [*Realität*] of a social or political creation? If we understand by this only reality [*Wirklichkeit*] in a crude material sense, then the International has had quite enough reality about it as regards the number and size of the associations affiliated to it in recent decades, but only a very modest amount where its accomplishments are concerned. Only a few working-class struggles have enjoyed international support on a greater scale, and so far as it was the case, this support was quite unequal in its give-and-take. Among others, the German workers' movement has been a giver to a quite disproportionate degree. Not only was it far more often—and to the tune of quite significantly higher sums—a donor than a recipient, but also, as a donor, it achieved infinitely more relative to its means than other—albeit not all—branches of the International. Also, in all these decades, not one of its struggles was won through international support. From this perspective, we could say in

the language of the commercial world that for the German workers' movement, the International was only ever in negative equity. And we should add that there is probably a whole group of countries who could say the same about themselves, even if some of their negative equity was substantially smaller. Meanwhile, the number of struggles that were won with any help from the International in its whole great field at all is exceptionally scant; we will probably be able to count them on ten fingers.

In any event, there should be no whitewashing here in any way; we want to look the truth quite openly in the face. What is felt about this matter in many circles should be spoken out.

For there is no shortage of people in this country who today silently make similar calculations to those we have developed here in general outlines. Where disappointment sets in, humans generally tend to like resorting to taking stock.

But such calculation is wrong. It turns out to be profoundly mistaken if we examine the International in its reality [*Realität*] as a *political* force, but it also does not even hold water if we turn to the International's significance for *economic* movements.

Even in trade union circles, where after all we are soonest tempted to acknowledge the decisive force of the dry language of numbers, calculations like those above would meet with resistance. Experienced union leaders know all too well that not all the values of a campaign movement [*Kampfbewegung*] allow themselves to be reduced to numbers. The value of trade unions' international news service, their international exchange of experience, international associations for travel support, unions' freedom of movement, and the like, is not affected by the question of their immediate effectiveness in pay and other disputes, whereas conversely the existence and regulated activity of such associations in greater struggles can still also be significant for their leadership. International trade union associations are hence also perhaps least at risk of falling victim to the world war. Introduced for limited purposes, whose character the world war does not change at all, as much as it may temporarily suppress intercourse, trade unions can at any time easily reconnect the threads that the war has torn apart. Exactly in the way that belligerent states themselves reconstruct certain associations among one another without further ado once peace is concluded. But as little as such ties already mean that the friendly relations that existed between the relevant peoples before the war have been restored, reconstructing certain international trade union associations would just as little already mean that the International had been restored,

nor would it restore what had given the International its great creative significance for the relations between peoples [*Völkerbeziehungen*].

The main value of the International before the war did not lie in the domain of immediate practical achievements, but consisted in its great moral effect, which only obliquely translated into practical gain. A mass action may well be brought into motion temporarily for purely material purposes. But to keep the masses in action continuously requires an idea or ideology that pervades them. That means that the masses must be imbued with the idea that they are fighting for something higher than the given nature of state and society. But in the socialist movement of our times, which has emerged from utopian thinking, this higher matter is made tangible to people's minds by nothing so much as by their consciousness of the movement's internationality. To wit, internationality in a dual sense: its international *existence* and its unified international *sentiment*. The conviction that the movement was *everywhere*, and that the movement was everywhere imbued with the *same feeling* of solidarity, with the *same idea* of belonging together and of peoples' democratic right, embedded itself in people's heads with a force that lent it the strength of religions. No phrase has taken root as deeply in the hearts of socialist workers as "Proletarians of all countries, unite", none has supported socialist propaganda more effectively, none has fertilised socialist action in a more versatile way than this. Not by accident did it come about that the most popular formulation of the toast raised at the end of socialist popular gatherings became the phrase: "*international* Social Democracy, liberator of peoples". Only *international* Social Democracy can also, ahead of other parties, describe itself as the party of liberating peoples. Cut the "international", and "liberator of peoples" necessarily falls away as well.

And not just conceptually. The policy of parliamentary Social Democracy on the armaments questions, just as with respect to the entire complex of questions that we call foreign affairs, was determined in a twofold way by the internationality of Social Democracy. This gave it its direction, but it also gave it its legitimacy. In *every* parliament where they refused their assent to raising armaments expenditures, social-democratic representatives could appeal to the fact that social-democratic representatives were doing so in *all* parliaments. It was the social-democratic representatives' pride, it gave them justifications but also the inner strength to call out to the bourgeois parties in all parliaments: "If you say that foreigners are hostile to us, that may be true of the parties that represent your class there, but the party that corresponds to our party there is friendly to our people,

it also opposes the armament policy there as we do here. It opposes, like us, all national incitement, struggles, like us, for the settling of international conflicts of interest through international *arbitration*, instead of through appeal to the language of arms.” France’s Social Democracy would never have won its great victories over the nationalist parties there if it could not have referred to Bebel and Liebknecht’s stance in the German–French War of 1870–1871 and German Social Democracy’s firm adherence to the fundamental principles by which that behaviour was dictated. Trusting in German Social Democracy’s unshakeably faithful disposition on the questions of internationality, Jaurès wrote his book *The New Army*, which wants to see the organisation and formation of the army of the French Republic set up exclusively for national defence.¹ And the same trust animated the actions of this great socialist on the eve of this world war. We must not forget this if we want to answer the question which lately the Franco-Russian socialist Charles Rappoport raised in the *Bern Tagwacht*: “What would Jaurès have done?”²

Precisely Jaurès’ last speech, his address held in the Circus Royal in Brussels on the eve of the war on 29 July 1914, expresses as clearly as possible how much internationality as an idea is the guideline and as fact is the precondition of this man’s policy—a man who wrote the beautiful phrase “a little patriotism pulls one away from the International, a lot of patriotism leads one back to it”. We should hear the justification he gives for his statement, cited by Rappoport from this speech: “We know of only one treaty, the contract that binds us to humanity.” Following the demand that French Social Democracy would have to proclaim that phrase, in case Russia should not concede to the French government’s insistence that it refrain from taking any steps to attack, Jaurès continued:

This is our obligation, and in expressing that, we found ourselves in agreement with our comrades in Germany, who demand that their government exert its influence on Austria to moderate its behaviour. Perhaps the despatch that I disclosed before [that Austria had declared that it did not wish to annex any of Serbia—Ed. B.] was already in part a result of this declaration of will by the German proletarians.

Even if one is an exalted ruler, one cannot act against the will of four million enlightened consciences.

This fact allows us to say that socialist diplomacy already exists, one that unfolds in the full light of day, and does not try to tear apart people’s hearts and confuse their consciences.

Thus, in the International Socialist Bureau, we have also just had the pleasure of receiving a more precise report on the socialist rallies in which 100,000 men of Berlin confirmed their will for peace, despite the raucous chauvinist students and the police.

Despite the pressure weighing on them, which makes their behaviour still more meritorious, they have nonetheless proven their courage—who year in, year out piled months, years of imprisonment on themselves. But German socialists will have never rendered the cause of humanity a greater service than they did yesterday. And what service they yesterday rendered us French socialists!

We have often heard our chauvinists say: O, how comforted we would be if we had such measured and peaceful socialists in France as the Germans. Now then, yesterday there were French socialists in Berlin,³ and they demonstrated in their hundreds of thousands. We will send the French socialists to Berlin, where they ask for them, and the Germans will send us their socialists, because our chauvinists hanker after them. Do you know what the proletariat is? The proletariat are the masses who share a love for peace and revulsion towards war. — — —

At the end of the speech, Jaurès reflects on the future, which has no direct application to our object. But from the extract given here, the line of thought that determines his policy emerges with full clarity. *Socialist diplomacy*, to which he refers with pride, is diplomacy that rests on the international consciousness and *will* of the entire socialist proletariat of the civilised world.

By abandoning the international idea and the fundamental principles conforming to it of the democratic right of peoples, we thus give up every possibility of what Jaurès calls socialist diplomacy—that is, a specifically social-democratic foreign policy. How much the one here depends on the other we can already glean from various signs today. In those papers that have started to divest the concept of internationality of its certainty, we will also come across a treatment of the questions of right and interest omitted from the domain of foreign policy, which already closely approaches the way these questions are treated in the press of the capitalist interested parties, and only reveals little of the fundamental stance that Social Democracy had observed on it before the war. Certainly, the fact that we are at war imposes constraints on our critical stance in some respects. But everything has its limits, and precisely because even the social democrat in a belligerent country cannot express himself about the details of his judgement regarding questions of the kind I have described

with the same acuity as in normal times, he has to beware all the more that blunting his language does not mean blunting concepts for the reader. In fact, the reverse often happens. And if this effect on readers ultimately takes place, then people may possibly realise triumphantly: "See, our readers think like us!"

But where should that lead to? I do not believe that those who today deny internationality the tribute it is owed, above and beyond the reticence that war inevitably demands, have fully realised what consequences this abandonment must necessarily have. So let us say point-blank: If the first outcome of this abandonment is that today's attempts to at least reconstitute the intellectual unity of the International should fail, then for the reasons outlined just now, the second outcome will be that Social Democracy will lose its ability to assert an independent position with consequence on questions of foreign policy in the parliaments of the major states of Europe. Opportunistic liberals, who have sold out to imperialist tendencies, anticipate that with jubilation, but farsighted politicians of a true liberal disposition think with dread of a time when the only party that represented with indomitable firmness the fundamental principles and demands of a democratic politics of peoples in the face of imperialist tendencies in the parliaments will have to pay those tendencies one tribute after another. For there is a law of consequences, and we see its workings clearly enough before us. Whatever we take from the International, imperialism will imperiously demand of us in turn.

But matters will not rest there. The effect in parliament will be followed by the effect in the people. Such a development in its parliamentary attitude could not but do the gravest harm to the idealistic element in the whole movement of Social Democracy. The party would no longer be able to instil in its supporters to the same degree as before the enthusiasm thanks to which the movement could unfold that great power of resistance and firm cohesion for which its enemies envied it, and which its friends admired and treasured in it. It would not animate those who are cool by nature enough to keep them in line and would leave the enthusiastic characters unsatisfied and thereby repel them.

That may sound exaggerated to some people or seem to them tendentious doom-mongering. But even if we completely ignore examples from the history of earlier movements and other parties, there is already today no shortage of happenings in our own ranks that point to such an effect in the masses. The wartime state of exception does not let it come clearly to the fore, and where they show themselves in their early stages, we prefer

to attribute them to the state of exception and hope that peace will have a healing effect. But if peace comes, the veil that today conceals all manner of contradictory things will also fall and that will mean taking a clear and unambiguous stance. However, it is not now up to the free will of the party whether or not it will then be able to unfurl the old banner of Social Democracy in its full purity again. Instead, that will depend strongly on what has happened with this banner in the meantime. A banner whose colour is blanché can serve all sorts of purposes, but it will never be the banner of international Social Democracy, liberator of peoples.

We cannot play games with internationality. We must today be clear in our minds about its value if we want to live up to its commandments.

NOTES

1. Jean Jaurès, *L'Armée nouvelle* (Paris, 1910).
2. Charles Rappoport (1865–1941), Russian-French Communist politician, journalist, and writer.
3. [Ed. B.—Jaurès wanted to say with this: socialists of the revolutionary temperament of the French].



Do We Need a Different International?

Preliminary Note I published the following two essays in autumn 1915 in *Neue Zeit*, volume 34, issue I, books 8 and 9. They are a response to an article which my then-party colleague, Reichstag representative Wolfgang Heine, published in the *Sozialistische Monatshefte* under the title ‘The old and the new International’, and which in substance directed itself against the previous essay here ‘The value of the International’, which also appeared in *Neue Zeit*.¹ It seemed and seems of importance to me to confront some very widespread myths about the socialist International.

The rows of dashes at various points in the essays stand for passages that were considered unprintable at the time.—Ed. B.

I AN ACCUSATION AND ITS JUSTIFICATION

Heine declares at the start of his article that creating a new International is one of the most important tasks of Social Democracy and adds the remark that, precisely for this reason, “we had to get things straight as soon as possible concerning the true reasons for its predecessor’s collapse”. These two statements contain three assertions:

1. The old International, that is, the International as it existed up to 4 August 1914, has collapsed.
2. The International is a necessity.
3. The International must be different to how it was hitherto.

The third of these statements, combined with the first, includes a fourth, which provides the fundamental tenor for the largest part of Heine's article, and with which our analysis shall thus be primarily concerned. The gist of it is that the International of Social Democracy perished because it was defective.

How should this be understood? Heine touches on two points only once and quite fleetingly. He has, in retrospect, no *exposés* of significance to offer, neither about the form nor the nature of the organisation, nor of the structure of the International. His critical statements apply to the spirit in which the International treated questions of *grand strategy*, as well as the activities of certain persons and groups in this respect. And regarding one of the persons he criticises, he even demands, fairly bluntly, that they be removed from the position they hold. However, he does not name any names. But it is clear to anyone who knows anything about this that he is referring to comrade Haase.²

With what reason Heine criticises Haase of all people will become apparent later. In the first instance, let us concern ourselves with the facts. What is the spirit that should be driven out of the International and what spirit should replace it? At one point in his essay, Heine says, and this perhaps expresses his guiding idea in the most principled way:

The new International must have learned the *sense for realities* [*Sinn für Realitäten*] from the war, which was *regrettably lacking* in the old one. Here, there is no other means but to let real activity *replace phrases* [*Redensarten*], since nothing unifies more than work.

A heavy indictment indeed. "No sense for realities, phrases instead of work." The most dogged enemy can hardly speak worse of an association. Let us examine how things stand with his justification for this accusation and whom it would affect if it turned out to be justified.

The International was hitherto an association of Social Democracy in the civilised world, organised into nations or countries. Originally, in the first International, national organisations were with few exceptions fairly loose associations with fluctuating memberships and a meagre capacity for political activity. In the second International, which existed from 1889, another type of national organisation reveals itself from the outset: tightly organised political workers' parties with representations in the parliaments, in municipal and other administrative bodies, and relying on economic-political workers' associations (trade unions, etc.), which

likewise—here faster and there more slowly—took on an ever stronger form. Tighter organisation, more versatile activity, richer experience—this is how the picture of the movement presented itself to attentive observers in individual countries. Who would have claimed that it was already complete anywhere? But who will, indeed who can contest that its development took the path indicated, that we could register improvements in it from year to year? I am the last person to think socialist parties infallible. But I also find it impossible to apply Heine's accusation above to them, and I will also not insinuate that it was intended as a summary indictment of them. However, if it was not aimed at the constitutive parts of the International, to what can it then refer? Maybe to its overarching leadership, the International Socialist Bureau?

Now, this Bureau consisted or consists—for even if it has not yet convened so far during the war, it has not yet for that reason been dissolved—of representatives of the national parties affiliated to the International. It lies in the nature of things that parties, if they have to despatch delegates to some important commission, do not exactly tend to send their dullest and most inexperienced members. Even if we did not know who the International Socialist Bureau was made up of, the simplest reflection would already say that they must have outclassed the average member of the movement in knowledge and experience. Blunders in individual cases, which surely happen everywhere, tend to be redressed or balanced out in the long run. But who were the people who actually comprised the Bureau? Going alphabetically: starting with Viktor Adler and Edward Anseele, August Bebel and Hjalmar Branting, Hermann Greulich and Jean Jaurès, all the way down to J. Sakasoff and Th. Stauning, P. J. Troelstra and D. Tutsovich, and Emile Vandervelde and Jacob Vidnes, without exception these are personalities who, however much we might diverge from them in individual questions, we could describe without reproach as the intellectual élite of Social Democracy.³ People of whom each one in his country, over the course of decades of activity in positions of responsibility, had thoroughly got to know their own party's political efficacy and the relationship of forces in their country, and who therefore collectively represented an extraordinarily high sum of experience. If Heine has these men in mind, and not perhaps one or the other among them, then we will not open ourselves up to accusations of flattery if we ask where he gets the courage from to deny their sense for realities so completely, as he does in the passage above.

But he goes even further. “The actual political task of the International ought to consist”, he writes, “in *truthfully informing* socialists about the circumstances in their sister parties and neighbouring peoples” (emphasis by Heine). In that, the old International had “totally failed”. That is, put delicately, a great injustice. Certainly, mistakes were made; certainly, there was no shortage of exaggerations from time to time. But anyone who does not cling to individual cases they have taken out of context, but regards the movement as a whole and here traces the spirit of its development, will find, on the contrary—and there is material at his disposal for this in the reports and protocols of the international congresses—that from congress to congress an ever stronger sense for factuality makes itself felt in these reports, an ever stronger aspiration and ability to face up to things clearly and represent them without embellishments. This too was a process that was taking place naturally. It lies in the nature of young movements to exaggerate their political force to themselves and others. With increasing maturity, the sense for moderation also grows, and to the same degree its desire and taste for whitewashing declines. Whereby, however, it is self-evident that the report of a movement with the great goals of a rising societal class will and may never be as drily and calculatedly formulated as perhaps the annual report of a state or municipal finance department. “They adopted great resolutions, promised to hold high the flag unswervingly, and to prevent war by all means”, Heine goes on. What an accusation! Should a movement that feels itself to be the bearer of the highest goals of humanity perhaps not express its belief in its flag and its will to wield its forces wherever possible to prevent a world calamity in the resolutions of its great conventions? “But they did not consider”, it reads further, “whether they possessed the means that would be effective for this, and how the peoples felt towards their own states”.

The first is *simply incorrect* in this generalised form. On the contrary, very detailed discussions have taken place for years about the means at the movement’s disposal in various countries for the stated purpose, as well as their efficacy—discussions that raised general awareness of the far-reaching differences of opinion about certain means and which had the result that the International’s resolutions about these means were drafted very carefully. No more was asked of the socialists of any country on this point than to apply “the means that seemed to them the most effective”.⁴ Was that already too much?

The second accusation that the International had not considered peoples’ feeling towards their own states would, formulated so generally,

likewise not stand up to more exact scrutiny. But since he immediately moved on to a very specific accusation against the *German* delegation to the International, we can leave further examination of this aspect and likewise leave the question of what is really going on with this accusation. Heine's accusation against the German delegation reads:

I have so much trust in the good sense and honesty of our French, English, and Belgian comrades that I cannot think that they would have lapsed into such outrage about the German party's stance on protecting our fatherland if we had said to them from the German side point-blank that the German social-democratic worker also feels *German* just as the French one feels French, and that he would never abandon the German Reich to foreign invasions by staying cold and indifferent towards his fatherland's cause in case of war.

There are two suspicions raised in this passage. One, the more serious one, refers to the representatives of German Social Democracy in the International, the other to the socialists of France, England, and Belgium. Let us take the more serious one first. It insinuates that the representatives of German Social Democracy in the International had left their comrades in the other countries in the dark about the fact that the German social-democratic worker also feels German in the same way as the French one feels French. When or where is this meant to have happened? When or where did debates take place or were questions raised, or demands formulated, which *would even have made it necessary* to realise something that was so self-evident? Heine does not offer a single fact for this; he does not even offer the reader a hint at a certain event. By contrast, he himself argued at an earlier point in his essay:

What the representatives of all countries, Bebel and Vollmar, Jaurès, Vaillant and Guesde and especially Vandervelde said at the International Socialist Congress at Stuttgart (1907) is unambiguous. The International at that time expressly established the obligations of social-democratic parties to support their nations even under threat of war, and recognised the value of nations for the development of humanity in the warmest terms. Nobody there thought to reiterate that the worker has no fatherland.

What Heine says about Bebel, Vollmar, and Jaurès must also apply for Haase. After all, Haase drafted the Stuttgart resolution with Bebel and Vollmar.

What, we must ask, happened from that point onwards until the outbreak of the current war to awaken in the socialists of the other countries the view that the German worker would feel less German in 1914 than he would have done in 1907? What fact gives Heine the right to put out such a claim against the representatives of German Social Democracy? Bebel, Singer, Kautsky, Haase, Molkenbuhr, and Ebert have, by all accounts, consistently represented German Social Democracy in full agreement in the International Bureau and namely in the spirit of the international congress resolutions. Only two remarks at most from the mouths of distinguished representatives of our party in recent times that could have misled the French caused any sensation outside of Germany: one from a speech by Scheidemann and one statement from a speech by Wendel.⁵ Does Heine mean them? Then may he say so, and the named comrades will answer him. But should he be referring to other people, then we must demand that he formulate his indictment more precisely.

On the other hand, despite the mitigating circumstances that Heine gives for them, it is also a suspicion on our sister parties when he writes that they “lapsed into outrage about the German party’s stance on protecting our fatherland”. For he thereby insinuates that these socialists, in contrast to their own stance, expected or even demanded that German Social Democracy abandon its fatherland in the face of invasion. But this did not occur to them. What the Belgian, French, and Italian socialists give as an accusation against German Social Democracy is something quite different. Before we go into that, we should note the following passage by comrade Heine, which he attaches to the penultimate passage cited above:

Evidently they also did not say clearly enough to foreign comrades that the influential men of our government, especially the Kaiser, did *not* urge a war, but that in Germany we were very deeply conscious of the danger posed by the Triple Entente, and by the English encirclement policy.

A curious accusation! Which German social democrat enjoyed so much the trust of Kaiser and Chancellor, or was such bosom friends with them before 4 August 1914, that they could have given such an assertion with any certainty? Did not the political stance of German Social Democracy, the factual and constitutional impossibility of having a say in decisions about war and peace, necessarily rule out anything like that? For what guarantees could anyone who would have wanted to talk like this have offered the socialists abroad for the reliability of his claims? If we assume

that our delegate had spoken on 29 July of the previous year in Brussels, how would he have had to speak according to Heine and what would the effect have been? A simple reflection indicates that later the disappointment would only have been all the greater. Haase expressed an opinion that was the general one within the party at the time. We can surely establish how his statements were interpreted by the representatives of other countries. In the Jaurès memorial edition of *L'Humanité* of 31 July 1915, Emile Vandervelde recalls his last encounter with Jaurès in that session.⁶ In this unbiased sentimental picture we read:

Sembat, Vaillant, Keir Hardie, Kautsky, Haase were there. Adler too, a living image of anxious care and dejection.

Things turned to the bad news. Belgrade was occupied, Germany stood behind Austria, Russia took the side of the Serbs. In official circles they already saw war as unavoidable. But without exception, we all still hoped, we *wanted* to hope, hoped against all hope. "This war", Adler said, "is a moral impossibility. It may not be, it will not be." And in the session, Haase received and read out a telegram which said that in Berlin, in Hamburg, in all the cities of Germany tremendous crowds had risen up to protest against the war.

Jaurès too thought that the scales of fate would ultimately incline towards the side of peace. He knew that people did not want war in France. *And had the Germans not declared to us that the Kaiser was for peace, if not out of humanity then out of concern about the resulting effects*, that Haase had been invited two days beforehand to the Reich Chancellery, where they said approximately the following words to him: "You demonstrate for peace. Very well. We lay value on explaining to you that we want peace like you. But beware that your rallies do not encourage the warlike intentions of Russia."

It says the same thing in the article "French Social Democracy in war-time" by the French socialist Daudé-Bancel, which recently appeared in the magazine *Internationale Rundschau*, about the appearance of the Austrian and German representatives in the session of the International Socialist Bureau of 29 July of the previous year:

... But Adler was short on clarity in Brussels at the time. Haase was optimistic — Jaurès was concerned; to encourage his Austrian and German colleagues to daring action, he outlined to them the energetic pressure which the socialist delegates were exerting on the French government.⁷

In view of these testimonies, we may be able to say that Heine could never have written the statement above if he had allowed some of that same sense for *factualities* to prevail in the formulation of his indictment, which he accuses the International of lacking.

How little precisely the two German delegates—besides Haase, K. Kautsky was despatched to Brussels as a delegate by the party executive—, how little precisely these two acted in the way that Heine insinuates about them, also emerges incidentally from the fact that it was they who put forward there the proposal of convening an International Socialist Congress at Paris on 9 August. — — — — —

“Around 11 o’clock in the morning we parted”, Vandervelde says, “after we had resolved at the behest of the Germans that the Congress of the International should convene on Sunday 9 August in Paris.”

Jaurès and Haase then, still in agreement, gave the socialists in their countries the special task of appealing relentlessly to their states’ governments to exert a moderating influence on Russia on the one hand and on Austria on the other.

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But Heine’s accusation is not only unjustified, it is also illogical. For if Haase had gone still further, if he had spoken in Brussels as Heine sketches out, then by doing so he would have made very little impression there. For after all, he did not have people in front of him whom he could talk at whim into adopting a conception of the European situation that happened to suit the plans of one individual country’s government. Rather, they were nearly all very experienced politicians who understood something of the matter and in part, like Jaurès especially, by dint of their stance towards their government, possessed far more precise information than was accessible to our people. If Haase had appeared as Heine suggests, he would merely have had the effect that most of his foreign comrades would simply have doubted his independence and competence. How Jaurès, for example, who opposed the Entente with the greatest severity at the time when it appeared to him a threat to peace, would have replied to notions of Heine’s kind emerges in the most unambiguous way from his articles in *L’Humanité* from those days and his speech in the Circus Royal in Brussels. I have cited the parts that are relevant for this elsewhere and will not repeat them here for reasons which everyone can see for themselves.⁸ Ultimately, in hindsight, what Heine demands was quite simply impossible. Moreover, the arguments he formulates would have contradicted the peace demonstrations by German Social Democracy, about which Haase informed the assembled International Socialist Bureau on the basis of the

telegram sent *for this purpose* by the party executive of German Social Democracy. For the resolutions of these rallies everywhere demanded, just as the party executive itself had already done in its appeal on 25 July 1914, that the German government should under *no* circumstances offer Austria-Hungary solidarity so far as to be dragged by it into war. Put briefly, the indictment raised by Heine against Haase and Kautsky contradicts the fundamental principles of social-democratic foreign policy, which German Social Democracy had advocated at that time and at all times beforehand and which had procured it the place of honour in the Workers' International which it enjoyed until 4 August 1914.

2 THE ACCUSATION: SECOND PART

In the eyes of the majority of foreign socialists, German Social Democracy has lost much since 4 August 1914; we cannot deceive ourselves about that. But I repeat that it is an unjustified denigration of our sister parties if we disguise this uncomfortable fact by saying that they had demanded that the German workers *not* feel German and leave their fatherland in the lurch in the hour of danger. *Nobody* demanded anything like that of the German workers; nobody blames them for satisfactorily performing their civic duty towards their own country during the war. On the contrary, in the statements of foreign socialists about our party's stance on 4 August 1914, we often come across a much higher degree of judiciousness than in the statements of some of our own party press about the stance of social democrats in the countries that are at war with Germany. How pharisaically some of Emile Vandervelde's mostly not even proven rhetorical *faux-pas* were condemned in some of our papers! Even if they had sounded ten times worse than was reported, a natural sense of tact should have shut our mouths here, since we have remained silent about quite a few other things. Vandervelde would, as the authorised speaker of Belgium's social democrats, have certainly had the right to be harsh about us. But how did he pass judgement on us? An extract from an article which he published in the American magazine *The Independent*, shared in the Social-Democratic Party correspondence of 31 December 1914, gives the answer to this. There, Vandervelde expressly recognises that the German party too, like the French and the Belgians, regarded its country as having been attacked. "So we see", Vandervelde says, "the social democrats in the Reichstag voting along with the other parties in favour of war authorisations. But *far be it from us to reprimand them for this.*" And at a later point he declares yet again: "I repeat, that *I cannot blame them for this.*"

The great majority of non-German socialists, including those from neutral countries, differentiate between defending one's homeland when a war has broken out and express or tacit support of war policy and military measures through parliamentary votes and any other political stance. It is not the first, but the second, of which they accuse German Social Democracy. Whether with good reason or not, or with how great a reason or otherwise, are questions on which we can have varying views. But no discussion of these questions can be carried out in a fruitful way if we confuse things so far that people who criticise the second are brought through dialectical arts under the suspicion of wanting to deny German Social Democracy a right which they grant other nations.

But Heine does not just confuse matters in his retrospective remark. In his observations about what should happen from now on, he expresses himself so vaguely that it becomes difficult to establish with certainty what he actually wants. Thus, he says at one point, where he touches on the question of the International's organisation, that after the war we would

not be able to think of simply taking on the old forms of organisation and persons and of continuing work where it was broken off at the declaration of war.

How should this be understood? The organisation of the International before the war was strictly federal; should it take on a more centralised character after the war? But fairly quickly another passage follows the one above, where Heine says that the newly to-be-created International must "be clear that it should not rule the world and also not domineer the individual social-democratic parties of the various countries". Truly creative work in politics is "much too dependent on the particular circumstances of individual peoples to be steered from such a central point". If that should signify more than rejecting mistakes, which are possible in every organisation, it can only be conceived as a demand for an even looser federalism than the old one. So in which direction should things be changed? The International's organisation, in the form that it had at the outbreak of war, was the product of a slow development, gradually adjusting to recognised needs. What does Heine want to put in place of this tried and tested method? Quite a few people seem to bother him. Does he want to forbid,

from his central point in Germany, other countries from despatching their old delegates to the International Bureau, if they still have trust in them?

However, the question of the right of individual members of the International to self-determination turns on more than the form of the organisation and the choice of person. It is also a question of determining limits for the tendency, inherent in the International, of *politically* harmonising the workers' movement. Heine visibly has this tendency in mind when he writes that the International ought to avoid steering the creative work of politics in the individual countries from a bureaucratic central point. For otherwise this objection would be completely senseless, since neither has an interference of that kind been tried by anyone or anywhere, nor has even a single proposal of this kind ever been seriously discussed in the International. We are dealing here with a kind of polemic which sadly seems to have become second nature to Heine, namely the inclination to distort what he is fighting against to a monstrous degree. In reality, restrictions on individual members' right to self-determination were only resolved or moved in the International insofar as it was a matter of establishing *fundamental principles* and *rules* that should *apply equally to all*.

Now, it is surely possible to go beyond a sensible measure in this, and I myself have already had to oppose motions and resolutions where this seemed to me to be the case. But these motions and resolutions referred to fundamental principles of domestic policy. By contrast, today we are disputing questions of foreign policy, so over questions that belong to the very own domain of the *International*. Precisely here, however, it is not only unclear what *positive* things Heine wants but actually also what he does *not* want either. Anyone who, for example, looks in his essay for information about the question of whether Social Democracy should have its *own* international policy or not will find neither an affirmative nor a negative answer to this. He will come across observations about the future relations between nations which read magnificently and which hence every internationalist would sign up to with delight. But he will also find slogans that Heine seems to have taken directly from the arsenal of those who advocate conquest-hungry imperialism, for which some of the statements cited above already act as proof. However, neither the one nor the other concretely forms a definite programme, of the kind that workers' parties need if they are not to fall victim to the currents of the day in this time where people's spirits are confused, instead of proclaiming—as they are called to do—the superiority of the policy of the working class compared to the policy of representatives of the old powers.

Thus, Heine describes as “a lesson of the world war” that, in its effects, it leads “beyond limited matters to broader things, beyond the narrowly national to the encompassing of peoples in greater state complexes” and adds to this the sentence: “The idea of the pure nation-state has now been carried *ad absurdum*.” Only “greater state formations” now have the strength to maintain themselves. Now what is that supposed to mean? Should the major states all swallow up the existing smaller states so that only gigantic empires stand opposed to one another, armed to the teeth? A picture of a future that would place the greatest difficulties in the path of the International as a political force.

The pure nation-state carried by the world war *ad absurdum*! We have hitherto believed that a state entity, whether composed of one or several nations, retains its right to exist by the fact that it proves itself capable of keeping pace with general civilisational development, of playing its part—by fostering the latter—in the weaving loom of time, and thus of being a spiritually and morally equal member of the great organism of civilised humanity. We have supposed that, through its achievements in the domain of raising people’s living capacities in number and quality, every state entity provides evidence for its material and spiritual capabilities. And now, conversely, Heine announces to us that war is the high arbiter about state formations’ right to exist. If, from what we have experienced in the 15 months that lie behind us, we should draw conclusions of this kind, what else would the world war not also then have carried “*ad absurdum*”: the law of peoples [*Völkerrecht*], the right of personality, justice, humanness, and the concept of humanity, truth, and truthfulness—is there even still a single cultural asset that it would have left undamaged? Heine will object that he does not mean things like this, that he is thinking of voluntary association, as the passages following the cited one showed. Certainly, such passages do follow in what he says. But that is precisely the problem, that they go with this like chalk and cheese, so that in one breath he is almost serving two masters.

The reference to the world war can only confuse our concepts here. The Workers’ International already shows through its name that, for it, the path of development for civilised life and the relations between peoples leads above and beyond the particularism of individual states of all kinds. But it saw the great objective force that lends historical support to its aspirations for a closer integration between peoples in the development of production and the economy, which peaceful intercourse would necessarily have as its result and which it has also had as a result to a great degree.

After all, the years of peace that lie behind us have brought together peoples through the effects of significantly higher intercourse and exchange on a truly wondrous scale, have increasingly fostered the expansion and consolidation of international law, and have covered the Earth with an entire network of international associations that became denser from year to year, reaching beyond national and state borders.

The agitation for the creation of closed economic areas that is already now unfolding in both camps of the warring coalitions of powers is a portent of this. In Germany, this takes the form of propaganda for the idea of a closed commercial state. Heine with good reason takes a dim view of this rampant propaganda, but he thinks that this proclivity will ultimately probably still acquiesce to the stronger awareness “that the goal worth striving for lies less in this direction than in the greatest possible freedom of goods exchange”. Very nice. But if his hope is fulfilled, then the most favourable thing to come out of this would only be that we will one day perhaps reach—by a very circuitous route—where we were already on the eve of the war. But how should we reach it? Heine gives us a curious answer. “And precisely for this reason”, he continues, “the German working class has understood that the freedom of the seas is also one of its own vital demands.”

“The freedom of the seas” is a vital demand of the German workers! Certainly, creating an international law code and international safeguards by which the free use of sea routes in war and peace would be secured for all peoples is a goal for which workers’ parties have to strive with the greatest energy.

* * *

I have become somewhat strident. But Heine will not be able to resent me for that, after he passed judgement far more caustically on the International. It only brought to light phrases at its congresses, we heard from him. What in this is true? The history of the International shows that, from congress to congress, its resolutions were prepared ever better through the work of its committees, for the composition of which parties were particularly careful to choose the experts who stood at their disposal, in the form of parliamentarians, trade union leaders, and so on. We should read their resolutions on the question of immigration, the colonial question, and so on, and we will find that rather more underpins them than “phrases”. Their debates on the great questions of policy were often intellectual delights even for spoiled listeners.

The last congress of the International before the war was the extraordinary convention in Basel on 24 and 25 November 1912, convened on the occasion of the First Balkan War in the recognition of the great dangers that this war had called forth for the peoples of Europe. The authorities of canton Basel did not quite have the same dismissive opinion of the International as comrade Heine. They expressed their joyful welcome to the congress, and in the honourable minster at Basel, the most celebrated representatives of European Social Democracy raised their warning voices against the criminal behaviour of the schemers in the ranks of the rulers who were driving Europe towards war. The congress drafted a manifesto, in which it identified these dangers and outlined to the socialists of the various countries what their obligations were in view of the threat to world peace.⁹ Some parts of this noteworthy manifesto may provide evidence of the spirit that inspired it and how it was furnished with the political judgement of the International.

After a few statements directed at the workers of all countries, which described the gravity of the situation, the manifesto turned directly to the socialists of the various countries and groups of countries, starting with the immediately affected *socialists of the Balkan states* and the socialists of *Austria-Hungary* and *Italy*. The manifesto addresses them as follows:

The Social-Democratic parties of the Balkan peninsula have a difficult task. The Great Powers of Europe, by the systematic frustration of all reforms, have contributed to the creation of unbearable economic, national and political conditions in Turkey which necessarily had to lead to revolt and war. Against the exploitation of these conditions in the interest of the dynasties and the bourgeois classes, the Social-Democratic parties of the Balkans, with heroic courage, have raised the demand for a democratic federation. The Congress calls upon them to persevere in their admirable attitude; it expects that the Social-Democracy of the Balkans will do everything after the war to prevent the results of the Balkan War attained at the price of such terrible sacrifices from being misused for their own purposes by dynasties, by militarism, by the bourgeoisie of the Balkan states greedy for expansion. The Congress, however, calls upon the Socialists of the Balkans particularly to resist not only the renewal of the old enmities between Serbs, Bulgars, Rumanians, and Greeks, but also every violation of the Balkan peoples now in the opposite camp, the Turks and the Albanians. It is the duty of the Socialists of the Balkans, therefore, to fight against every violation of the rights of these people and to proclaim the fraternity of all Balkan peoples including the Albanians, the Turks, and the Rumanians, against the unleashed national chauvinism.

It is the duty of the Social-Democratic parties of Austria, Hungary, Croatia and Slavonia, Bosnia and Herzegovina to continue with all their power their effective action against an attack upon Serbia by the Danubian monarchy. It is their task to continue as in the past to oppose the plan of robbing Serbia of the results of the war by armed force, of transforming it into an Austrian colony, and of involving the peoples of Austria-Hungary proper and together with them all nations of Europe in the greatest dangers for the sake of dynastic interests. In the future the Social-Democratic parties of Austria-Hungary will also fight in order that those sections of the South-Slavic people ruled by the House of Hapsburg may obtain the right to govern themselves democratically within the boundaries of the Austro-Hungarian monarchy proper.

The Social-Democratic parties of Austria-Hungary as well as the Socialists of Italy must pay special attention to the Albanian question. The Congress recognizes the right of the Albanian people to autonomy but it protests against Albania, under the pretext of autonomy, becoming the victim of Austro-Hungarian and Italian ambitions for domination. The Congress sees in this not only a peril for Albania itself, but, in a short time, a menace to the peace between Austria-Hungary and Italy. Albania can lead a truly independent life only as an autonomous member of a democratic Balkan federation. The Congress therefore calls upon the Social-Democrats of Austria-Hungary and Italy to combat every attempt of their governments to envelop Albania in their sphere of influence and to continue their efforts to strengthen the peaceful relations between Austria-Hungary and Italy.

There follows an identification of the tasks of *Russian* Social Democracy, where the obligation to expose and counter the Balkan plans of *tsarism* stands paramount, and then the manifesto identifies the obligations of social democrats in *Germany, England, and France* as follows:

However, the most important task within the action of the International devolves upon the working class of Germany, France, and England. At this moment, it is the task of the workers of these countries to demand of their governments that they refuse any support either to Austria-Hungary or Russia, that they abstain from any intervention in the Balkan troubles and maintain absolute neutrality. A war between the three great leading civilized peoples on account of the Serbo-Austrian dispute over a port would be criminal insanity. *The workers of Germany and France cannot concede that any obligation whatever to intervene in the Balkan conflict exists because of secret treaties.*

However, on further development, should the military collapse of Turkey lead to the downfall of the Ottoman rule in Asia Minor, it would be the task of the Socialists of England, France, and Germany to resist with all their power the policy of conquest in Asia Minor, which would inevitably lead in a straight line to war. The Congress views as the greatest danger to the peace of Europe the artificially cultivated hostility between Great Britain and the German Empire. The Congress therefore greets the efforts of the working class of both countries to bridge this hostility. It considers the best means for this purpose to be the conclusion of an accord between Germany and England concerning the limitation of naval armaments and the abolition of the right of naval booty. The Congress calls upon the Socialists of England and Germany to continue their agitation for such an accord.

The overcoming of the antagonism between Germany on the one hand, and France and England on the other, would eliminate the greatest danger to the peace of the world, shake the power of czarism which exploits this antagonism, render an attack of Austria-Hungary upon Serbia impossible, and secure peace to the world. All the efforts of the International, therefore, are to be directed toward this goal.

The Congress records that the entire Socialist International is unanimous upon these principles of foreign policy.

Thus the last major declaration of the International. Whatever we may think about the questions it touches on, we will at any rate have to admit that here fundamental principles that have arisen from a certain conception of the relations between peoples are laid down in firm guidelines, representing a *coherent policy* of the International. They were also adhered to everywhere by socialist parties in this sense, by some even with truly surprising force even in the hour of the strongest threat to their existence. Admittedly, the socialists could not thereby prevent the war itself.

“Phrases”, comrade Heine will answer. “No sense for realities”. For in the manifesto, the differences that exist in the relative strength of the societal powers from country to country are not taken into account, nor the differences in their desire for territorial expansion, nor the differences in the tendency to settle prevailing rivalries by recourse to arms and other various realities as well. But if workers’ parties wanted to make the guiding principle of their policy dependent on these things, which after all are thoroughly familiar to them, an international policy of Social Democracy would be entirely impossible, and Social Democracy in each individual country would thereby be denied the strength to craft an autonomous foreign policy. The task of social-democratic parties in foreign policy is to

emphatically represent everything that binds peoples together, so in the first instance securing peace through international treaties and institutions, which guarantee the free intercourse of peoples, expanding and strengthening international law to the greatest extent, and peoples' democratic right to self-determination. From the moment that social-democratic parties ally with parties and powers whose aspirations stand in contradiction to those fundamental principles and goals, any international policy that has a claim to this name ceases for them, and their internationality itself becomes a lie.

Because Heine does not acknowledge this, he logically declares that a "reshaping of the International" is needed. Of the *social-democratic* International, mind you—he thinks that the trade union International could be rebuilt without difficulty. As long as trade unions restrict themselves to commercial matters in the narrowest sense of the word, that will certainly be possible. But we should not delude ourselves that every further-reaching activity by the trade union International will not meet the greatest restraints at every turn, as long as the circumstances that prevent the social-democratic International from being again what it was until 4 August 1914 are not cleared out of the way. For it is not a new International that we need but the *old* one.

To what purpose should the social-democratic International be reshaped? There are only two conceivable purposes: either increasing internationality in the direction of anti-patriotism or weakening internationality in the interest of the freedom for national parties to pursue more or less nationalist policy. The first would correspond to the views of a part of the social democrats from various countries who met in Zimmerwald (Switzerland) in September of this year, the second is the fundamental idea of Heine's remarks.¹⁰

I will not go into the resolutions from Zimmerwald here. I cannot subscribe to them on some substantial points, but I also do not believe that I should dispatch them with a few slogans in passing; instead, I consider that conference and its resolutions to be important enough that they take up more detailed discussion. Where the other matter is concerned, reshaping the International to enable nationalist policy or tactics, this is indeed the purpose that Heine's explanations amount to, but Heine still owes us the proof of its necessity. Neither does he give us a definite concept of how the new International he demands should distinguish itself organisationally from the previous International nor is it stated point-blank in what way the new International should consider the realities of

politics differently to how this happened before. Meanwhile, no other conclusion is possible from the entirety of Heine's article than that he demands that social-democratic national parties have the right to pursue foreign policy and everything connected with it—so on occasion also armament policy—in accordance with the conflicts of interest between the ruling classes of their country and those of other countries. W. Blos, W. Kolb, and other party comrades, who belong with Heine to the right wing of the party, have left no doubt about this.¹¹

By contrast, the working class—no, *Europe*—needs a social-democratic International that makes solidarity between peoples with all its consequences the guiding thread of its policy and advocates it with undaunted audacity. We stand today not only in the midst of a fearful war, we also stand already in the midst of a great *spiritual reaction* which threatens to devour ever more about it. No more than the material wounds which the war has inflicted on peoples' lives will this *spiritual* wound heal without further ado after the conclusion of peace. To work against its crippling influence on the development of political-social life, strong countervailing forces are needed, in politics itself just as in the organs of public opinion. But of all political parties, again only Social Democracy comes into question for this task, and it will only be able to fulfil it if it meets the challenge developed earlier. But this is only possible, as shown, if it acknowledges itself as a member of a great International that only recognises those interests that fit into the framework of the civilised interests that all peoples share, and subjects every national particular interest to this criterion.

The International as we knew it hitherto did that. And from the awareness that this tendency filled all its members, each individual member—that is, every national Social Democracy that belonged to it—drew the strength to fulfil the part of the task allotted to it with the greatest energy in all its consequences. Take from them this awareness, and their energy is weakened, and their confident bearing in battle is heavily damaged. Instead of intellectually mastering the political “realities” to which Heine alludes, they would be dominated by them. The International was not blind to those realities: its individual members were up against them far too much to misconstrue their existence and strength. But they did not let themselves be deterred by them, precisely because they were filled by the consciousness of internationality, and through the generality of this consciousness, the idea of the International itself became a significant reality.

Ideas are political realities, as soon as they are grasped by the masses and permeate their conduct.

By underestimating this idea, Heine, agreeing with the retinue of the champions of nationalist reaction, comes to declare that the International has “collapsed”. However, this is mercifully a fallacy. The International has been dealt a blow that currently cripples it, but it is not therefore struck dead. This great world-historical power cannot succumb to the fact that one or a few of its members have shown themselves not to be equal to their tasks at one fateful moment. Others have held their ground all the better.

The International was not—and it did not consider itself—immune to fallacies, neither in its individual characteristics nor as a collective body. It was a living organism that was constantly developing, and it understood at all times that it had to learn and respect what it had learned in its resolutions. It will also know how to draw and take to heart the lessons of this world war; of that, its opponents and critics from its own ranks, its enemies and its friends, can rest assured.

An organism that constantly refined itself spiritually, which also acknowledged that its constitution was not irreversible, the International may say that there is not the slightest reason to create something new in place of it. In this sense, the phrase applies to it with greater reason than to any other international organisation: *It will be, how it was before, or will not be at all.*

NOTES

1. Wolfgang Heine, “Die alte und die neue Internationale”, *Sozialistische Monatshefte* 21(3) (1915), pp. 1039–1046. Wolfgang Heine (1861–1944), German jurist, politician, and journalist, prominent figure on the right wing of the SPD.
2. Hugo Haase (1863–1919), German socialist politician, jurist, and pacifist, founder alongside Bernstein of the *Unabhängige Sozialdemokratische Partei Deutschlands* (USPD), did not rejoin SPD after WWI, assassinated by a mentally ill worker.
3. Victor Adler (1852–1918), Austrian politician and labour movement leader, founder of the *Sozialdemokratische Arbeiterpartei Österreichs* (now SPÖ). Edward Anseele (1856–1938), Belgian socialist politician and journalist, co-founder of the *Belgische Werkliedenpartij-Parti Ouvrier Belge* (BWP-POB). Ferdinand August Bebel (1840–1913), German socialist politician, writer, and orator, co-founder of the *Sozialdemokratische Arbeiterpartei Deutschlands* (SDAP), which later merged into the SPD. Karl Hjalmar Branting (1860–1925), Swedish politician, leader of

- the *Sveriges socialdemokratiska arbetareparti* (SAP), three times Prime Minister of Sweden. Hermann Greulich (1842–1925), Swiss socialist politician. Thorvald Marinus Stauning (1873–1942), Danish politician and trade unionist, first social-democratic Prime Minister of Denmark. Pieter Jelles Troelstra (1860–1930), Dutch socialist activist and politician, co-founder of the *Sociaal-Democratische Arbeiders Partij* (SDAP). Emile Vandervelde (1866–1938), Belgian socialist politician, leading figure within the *Belgische Werkliedenpartij-Parti Ouvrier Belge* (BWP-POB). Jacob Vidnes (1875–1940), Norwegian trade unionist, newspaper editor, civil servant, and politician for the *Arbeiderpartiet* (Ap).
4. [Ed. B.—Resolution of Copenhagen, 1910].
 5. Philipp Scheidemann (1865–1939), German politician, prominent on the right wing of the SPD, proclaimed the Weimar Republic during the 1918–1919 German Revolution, briefly Chancellor of Germany in 1919. Hermann Wendel (1884–1936), German historian, journalist, Balkanologist, and politician on the right wing of the SPD.
 6. Emile Vandervelde, “Jaurès au Bureau Socialiste International”, *L’Humanité*, 31 July 1915.
 7. Achille Daudé-Bancel, “Die französische Sozialdemokratie im Krieg”, *Internationale Rundschau* 1 (1915), pp. 449–452. Achille Daudé-Bancel (1870–1963), French socialist and cooperative activist.
 8. Present volume, pp. 68, 113–114.
 9. See *Extraordinary International Socialist Congress at Basel* (Berlin: Verlag “Vorwärts”, 1912).
 10. The 1915 Zimmerwald Conference was the first of three international conferences held by anti-militarist socialist parties from neutral countries, as well as some delegates from the Central Powers and Entente coalitions, which marked the final collapse of the revolutionary-reformist coalition within the socialist movement.
 11. Wilhelm Josef Bloss (1849–1927), German journalist, historian, satirist, and politician active in the pro-war faction within the SPD. Wilhelm Kolb (1870–1918), German politician on the right of the SPD.



CHAPTER 9

On the Historical Rights of Small States

Besides many other questions, the world war has also put up for discussion the question of small states' right to exist. So, for example, it has variously been disputed whether it would now be appropriate once more to grant autonomous statehood to the non-Russian peoples in the west of Russia, who constitute the great majority of the inhabitants in certain enclosed territories and who previously enjoyed complete or only slightly restricted autonomy. This question is still worth addressing even if we detach it fully from the particular questions of interest that are to be decided between belligerent states from the perspective of their power relations. It cannot be denied that, from this perspective, the fragmentation of the Tsarist Empire can be of significant advantage for the German Reich. We say *can*, because here it also depends to a high degree on how fragmentation takes place whether it would have the outcome described above as a result. A fragmentation which does not at the same time remove the detached territories from their former centre of gravity can, on the contrary, as history has taught us, easily redound to the latter's benefit in its effects.

However, it is not this specific question of power that shall concern us here. Instead, it seems important to us, before we approach it, to analyse quite separately from it the question of the historical right of smaller states to exist. We have to be clear about this right of small states, in order for us to gauge the right of the large states to or over the small ones correctly and without being influenced by daily currents and daily moods. Anyone who

has followed the discussions that are becoming customary in Germany's social-democratic press regarding the war and the future shape of the map of Europe will not have failed to notice what profound differences we still come across in the starting-points for our question. We see above all how great the danger is for many people to fall victim to certain analogical conclusions which are obvious to any social democrat who is passably acquainted with the materialist conception of history but who makes the mistake—fateful for every analogical conclusion—that they let a single factor be determinant for the comparison, one which has a thoroughly different meaning for the objects compared.

Thus socialists have in all earnest treated the question of small states' right to exist in the mould of the right of small businesses or small enterprises to exist in economic life. Just as it is the naturally necessary fate of these to be absorbed by large enterprises, it was reasoned, so too with small states in the business of peoples [*Völkergetriebe*]. Peoples as a whole have as little an interest in their preservation as workers in the preservation of small businesses. Quite the contrary. The disappearance of small states lies in the interest of great general development. If those who argue in this way were familiar with Hegelianism, they would say it was the historical *right* of small states to be swallowed up by the large ones.

But in the first instance, the expendability of smaller enterprises in today's economic life is also a peculiar business. It is only certain that in industry, trade, and intercourse they are surpassed by the large enterprises, and some are also absorbed by them, but some continue to exist alongside them and achieve growth if they adjust to their changing circumstances. If we put "space" in place of "mass" in production, we could describe the matter in such a way that the small and middling enterprises taken together continue in their space, but that the whole *expansion* of the economy, brought about by the increase in production, accrues to the large and giant enterprises, so that the entire *spatial relation* increasingly shifts in the large enterprises' favour, without, however, the amount of space taken up by the small ones decreasing significantly as a result. And regarding their function, given how things stand, some of the smaller economic enterprises must be described as parasitic formations, because they represent a waste of power in one way or another, and could hence disappear, without damaging the national economy as a whole, but that others among them *complement* the economic activity of the large enterprises in very important ways and are hence still thoroughly *necessary* today. Almost more even than trade, this applies precisely to production, whose monopolisation by

a small number of giant enterprises meets organisational and administrative difficulties that are, for now, still insurmountable in capitalist society.

Moreover, we should not forget that today, concentration in industry and trade is often not at all the result of greater economic efficiency, nor is this its purpose but instead is pursued simply for the sake of monopolising *profits*. A number of modern giant corporations have long since crossed the limit up to which concentration still means increasing economic efficiency.

However, the reference to these limiting circumstances should not obscure the fact that, in general, in industry and trade, the small business has to give way to the large business. But can what applies for economic firms be determinant for the sociological entities that we call states? Only someone who does not see or does not understand the great difference between the tasks of the state and of the economic enterprise could think so.

Of course, people have also described states or the nations represented by them as economic entities. But they are this only for certain purposes and within certain limits. Viewed economically, the state is a closed entity perhaps as an exchequer, but not for the entire scope of the economic life of the nation it represents. In the era of world intercourse, on which the current war may well inflict deep wounds, but which it cannot kill off, this reaches beyond the geographical borders of the state everywhere, just as within the state it is also only captured by the state's administration in individual branches and with respect to certain results. And where we are not dealing with miniature formations entirely closed off from world intercourse, there is thus no necessary intrinsic connection between states' spatial extent and the level of development or developmental force of their national economy. The industrial enterprise and commercial transactions are dependent for their development on the size of the market that lies at their disposal, but not on the size of the state in whose territory they have their place of business. Its trade policy but not its world-political power carries decisive weight for their progress.

Ranking states also looks quite different if we regard them from the perspective of their economic and cultural level than if we compare them according to their spatial extent, military might, and similar. Regrettably, international statistics are not yet in so good a shape that we could clarify this question exhaustively by means of them. However, even so, we have in the figures for the length of railroads, trade, and correspondence for various countries benchmarks to compare states' economic and cultural level that are appreciably worthy of report.

If we exclude those countries that are prevented by soil conditions, climatic conditions, and so on from cultivating very substantial parts of their territory, and if we further leave out the latecomer Balkan states as well as some miniature states, then the states of Europe line up together as follows, depending on how we allocate their place to them according to surface area, length of railroads, correspondence, and the value of their external trade:

<i>Area (in 1000 km²)</i>	<i>Length of railway tracks end 1912 (per 10,000 inhabitants and per 100 km²)</i>	<i>Correspondence in 1911 (approximately, per head of population)</i>	<i>Total external trade in 1912 (per head of population in Reichsmark)</i>
European Russia	4942	Belgium 29.3	Switzerland 127 Netherlands 1899
Austria-Hungary	676	Great Britain and Ireland 12.0	Great Britain and Ireland 125 Belgium 930
German Reich	541	German Reich 11.6	Belgium 113 Switzerland 719
France	536	Switzerland 11.6	German Reich 107 Denmark 609
Spain	505	Denmark 9.8	France 102 Great Britain and Ireland 604
Great Britain and Ireland	314	Netherlands 9.6	Netherlands 95 France 377
Italy	287	France 9.4	Denmark 67 German Reich 325
Portugal	92	Austria-Hungary 6.8	Austria-Hungary 53 Italy 143
Switzerland	41	Italy 6.1	Italy 36 Portugal 133
Denmark	39	Portugal 3.2	Portugal 22 Austria-Hungary 113
Netherlands	34	Spain 3.1	Spain 19 Spain 91
Belgium	29	Russia 1.2	Russia 11 Russia 39

The figures are taken from the *Internationale Übersichten des Statistischen Jahrbuchs für das Deutsche Reich*, 1914, or rather calculated based on the compilations given there.¹ Several of them naturally require considerable deductions. Thus, the external trade of the Netherlands and Belgium is to a very great part transit trade and hence lets the national economy of these countries seem stronger in comparison than it actually is. However, we see that the smallest countries lie far ahead not only in the trade rubric. In the other rubrics too they appear with figures that point to very active economic life. Certain special capitalist creations may be out of the question for smaller countries. Also, these may with their own legislation hinder

certain capital associations, although this is more a defence than a detriment for the general public. But the smaller states today do not stand at all in the way of developing their economies—on which the progress of society depends—raising the intensity of production or easing their exchange. In this, they can compete very well with the largest of the major states and are even ahead of several of these in some respects.

And smaller states today lie just as little behind the large states as regards their cultural progress. There is no domain of intellectual creativity in which the world has not also gained something of significance from small states, and not uncommonly very epoch-making impulses stemmed precisely from these. The Scandinavian countries, the two Netherlandish states, and Switzerland can boast outstanding achievements in natural sciences and humanities, in art and literature; a row of illustrious names, the reputation of their universities, and for most of them the high level of their entire education system provide evidence of their fruitful cooperation in building human culture. The citizens of large states have no reason whatsoever to look down haughtily on the citizens of middling and small states, since some of the latter have comparatively achieved much more for cultural progress than the former. After all, the often and surely in some respects rightly bemoaned German regional proliferation [*Kleinstaaterei*] has also in no way been without its very significant rewards. By creating a plurality of intellectual centres, it contributed to a high degree to countering that flattening of thought which, just like the resident of a metropole [*Großstädter*], the resident of a large state [*Großstaater*] also falls prey to all too easily, and which today, where the craving for status [*Großmannsstimmung*] dominates all of Germany, manifests as a lack of judgement [*Urteilslosigkeit*] regarding the questions of civilisation thrown up by the war, which could not conceivably be more intense even with the blinkered English jingo, the most overstrung French chauvinist, and the crudest pan-Slavist in Russia.² Self-evidently, regionalism also has its downsides, and there are tasks that the small state cannot solve today given the relative negligibility of its means. But for all that, in Europe today small states are the pioneers of a movement whose victory alone can lead to safeguarding our part of the Earth from repeating the catastrophe from the effects of which it is bleeding today from a thousand wounds.

Nowhere has the idea of an international law that reaches beyond the individual state taken deeper roots than in the so-called small states of Europe; nowhere does the proposal to reform the traditional state system

of the old world in the direction of a modern federalism, that is, of a confederative principle, that does not halt before any particularism that places itself in the way of the great interest of all—nowhere does this truly revolutionary idea find warmer acceptance and more zealous support than here. That it happens out of the need for self-preservation does not harm the value of cultivating such a great, cathartic idea. It does not matter what their motivation is—which, incidentally, is fundamentally thoroughly legitimate in the case before us—but rather the nature of the goal it determines. And this is not only formally but also materially superior to the goals of the imperialism that is extolled to us from all sides in Germany today as the first heaven of true socialism. This goal means the democratic consolidation of the forces of humanity, while that imperialism means the eternal division of civilised humanity to the advantage of aristocracies of birth and money.

Misled by a similar deceptive play on concepts that sound related to each other, like the one that underpins the equation of small states with small businesses, socialists influenced by Marx have bestowed on the monopoly-craving imperialism of the present day a historical mission that in reality does not belong to it in the slightest. This imperialism does not smooth the way for socialism but obstructs it—it is not its midwife, but its murderer, if indeed socialism means the democratic organisation and cooperation of humanity. Just as it is to a high degree the product of the protectionist reaction that descended upon Europe since the end of the 1870s, it also aspires to anchor the walls of protectionism ever deeper and to eternalise them wherever possible. But to the degree that this succeeds, peoples will be torn into hostile camps, and a nationalist conception of peoples' interests will rise and spread whose predominance means nothing other than condemning the International of the working class to increasing fruitlessness.

The imperialist danger is not reduced but increased by the European war up to now. Not only materially but also intellectually, social democrats in the large states have become prisoners of imperialism. The first will pass along with the war, but sadly the second is less certain, given the treacherous character of the beast. We must take into account the possibility that the end of the war will see the coalitions that have opposed one another in it consolidate, and not dissolve, that even after making peace, the greatest part of Europe will remain divided into two groups that are hostile towards one another. It is obvious to what devastating effects this would have to lead for the peoples of Europe regarding their economy and culture in the widest sense of the word. Where then should salutary

help come from? Those who today scoff at the International, and seek to chip away at its foundations with irresponsible eagerness, should at some point ask themselves this question. No miracle from on high will bring salvation; no admonition by the Pope—however well-meant—will bridge the conflicts of interest that will prevail between groups of capitalists on either side in infinitely harsher form after the war than before it. The creeping sickness will drag on forever if the Workers' International should also fall victim to the war.

Therefore, the latter must continue to exist, and all our striving must remain directed towards preserving it in its inner strength. And likewise, we must make sure of the forces that share its interest in reconstructing Europe and expanding it into a true association of peoples [*Verband der Völker*]. But to these belong today primarily those states of Europe who are not or do not wish to be large states. With good reason, they see their existence and their free development threatened by armament and the large states' cravings for power and are compelled by this to seek their security—the guarantee of their vital development—where the progress of culture beyond imperialism lies in the formation and consolidation of *international* law. If one or other of these states might at some earlier time have been breeding grounds of reactionary particularism, this is no longer the case today. Consciously or unconsciously, they all strive towards internationality, and precisely the smaller states are its sincerest bearers. It is of symbolic significance for this that the most meaningful international creations of civilised humanity have their point of origin or their central seat precisely in small states. Thus, *inter alia*, in little *Switzerland*, the federal capital Bern is the hometown of the Universal Postal Union, Geneva the hometown of the International Red Cross, and Basel the central seat of the International Labour Office; in little *Belgium*, Brussels is home to the Institute for International Law, the Bureau for the Abolition of the Slave Trade, and the central bureaus for international associations; and in little *Holland*, the Hague is the seat of the International Court of Arbitration, which is set to be expanded into an International Court of States for reconciliation, expert opinion, and arbitral award.³

The progress of humanity does not lie in the centralism that is embodied by conquering imperialism. This centralism has become superfluous, even pernicious. We have come to know it as a destroyer of culture, as something that tears apart civilised humanity; its apostles dream of plunder and oppression, preach hate, and sow desperation. *The progress of humanity lies in combining the forces of free peoples for great common works*, which does not need an extraordinary military power standing above the peoples.

With good reason, the chairman of the Social Democracy of Holland, P. J. Troelstra, announced at the unforgettable 1912 Basel Conference of the International from the pulpit of the venerable minster:

The autonomy of small nations is not guaranteed by 10,000 or 20,000 more troops, nor by dreadnoughts or the wasteful military expenditures in which the large nations imitate one another; instead, it is only secured by imprinting in peoples' consciences the idea that infringing the historical and economically-justified autonomy of small nations is *an infringement of civilisation itself*. Only in the pinnacle of civilisation can we find a guarantee for our existence. Hence, we have consistently opposed with our civilising demands the military demands of the ruling classes. A glance at free Switzerland, in whose territory we stand, a glance at the fine humanitarian and social work that a small country like Denmark carries out, a glance at the art, science, and culture of Belgium and Holland shows us that one does not need to possess a large territory to be a great civilised people.

The Basel Conference has not been forgotten, but much of what was said and cheered at it has faded rather badly into obscurity. "We are small nations, but the great power of international socialism is with us", Troelstra declared at the end of his speech, which was received with thunderous applause. Might one of the cheerers at that time have had an inkling that barely three years later a representative of the largest section of this international socialism would allow himself to declare that nations' right to self-determination belonged "on the scrapheap", without causing a quite different kind of uproar in his party? No more than he would have thought it possible that influential organs of this party would one day declare that we had adequately fulfilled our significant obligations if, after the pattern of the worthy Pontius Pilate, we were to shrug and wash our hands in innocence, in light of the crucifixion of entire peoples' rights to self-determination.

NOTES

1. Statistisches Reichsamt, *Statistisches Jahrbuch für das Deutsche Reich* 33 (Berlin: Verlag Reimar Hobbing, 1914).
2. [Ed. B.—I described the benevolent influence that the plurality of intellectual centres in Germany, which is associated with regional proliferation, has exerted on its cultural development and indirectly through it on its technology five years ago in a series of articles, written for the London *Daily Chronicle* about the causes of Germany's industrial advance, as one of these

causes. “What was once bewailed by German patriots”, I wrote there, “has turned out to be a blessing in disguise; it has blocked overcentralisation on the one hand, and the dissipation of national forces in foreign adventures on the other.” If Germany’s national economy is a more intensive economy than that of the large states that preceded it in their modern development, then its federative construction has laid the basis for this spiritually in no insignificant degree]. Eduard Bernstein, “Germany’s Progress: Some Causes of Her Industrial Success”, *Daily Chronicle*, 22 August 1911.

3. The Universal Postal Union was established in 1874 by the Treaty of Bern to coordinate postal policies among member states; the International Labour Office is now the secretariat of the International Labour Organisation, founded in 1919; the International Committee of the Red Cross was founded under the Geneva Convention in 1863 to protect the wounded and victims of armed conflict; the *Institut de Droit International* was founded by a consortium of international lawyers in Ghent in 1873; the Bureau for the Abolition of the Slave Trade emerged from the 1889–1890 Brussels Anti-Slavery Conference; and the Permanent Court of Arbitration was formed as a result of the Hague Conventions of 1899 and 1907. See present volume, pp. 255n, 263, 285, 309–310, 363–375.



The So-Called Vital National Issues

By means of a few examples, a question shall be illuminated here which even in socialist circles is still often evaluated under viewpoints that stand in contradiction with the socialist conception of the foundations of the life of peoples and the relations between peoples. Russia offers us the first example.

I RUSSIA

In the reports about the diplomatic negotiations that preceded the present war, we repeatedly come across declarations by ministers or ambassadors that this or that matter be a “vital issue [*Lebensfrage*]” for their country. Sometimes it is even called, pathetically, a “question of life or death”. So, for example, on 1 August 1914, Russia’s Minister of Foreign Affairs, Mr. Sazonov, declared to England’s ambassador, Sir George Buchanan, that Austrian suzerainty over Serbia would be intolerable for Russia and that, in fact, this was “for Russia a question of life or death”.¹ It is a somewhat drastic example, but precisely in it we see what a range of things statesmen can portray as “vital questions” for their country.

The great Russian Empire was, according to Mr. Sazonov’s declaration above, threatened in its vital nerve if Austria-Hungary claimed mastery over Serbia in summer 1914. How should this come about?

Let us be as charitable as possible. Let us allow the Russian government everything whatsoever that can be reasonably fielded in favour of its entry on Serbia's behalf: the historical relations between Russia and Serbia; the sympathies roused in the Russian people for the linguistically related Serbian people; and the possibility of Austria-Hungary's increasingly powerful position in the Balkans, if the "penalisation of Serbia" it was planning had been implemented. Does all of this together prove that the enactment of that Austro-Hungarian plan would seriously have harmed Russia's living conditions?

In the first instance, regarding the emotional side of the question, it surely cannot be for Social Democracy to underestimate ideal interests and obligations and to present sensitivity to them as something irrelevant that may die off without a problem. So if Russians were particularly animated by the punitive occupation by Austria-Hungary that threatened Serbia, and strove to spare Serbia from it, this was for socialists' democratic sensibility the most natural and thus also the most excusable thing in the world. But historical relations do not justify any such far-reaching obligations, and feelings of kinship do not justify any urge that is so insurmountable that, for their sake, nations would have to regard war as a "vital imperative [*Lebensgebot*]". Countless times, peoples have understood the need to show restraint with such sentiments in the interest of preserving peace, and they have overcome the pain of having to do so with the help of reason. No people has yet perished of injured sympathy alone, so it alone also cannot constitute a "question of life or death".

Such a question would only exist where serious material *common suffering* [*Mit-leiden*] threatens to be added to such mental sympathy. But we could justifiably doubt whether Austria-Hungary would, by invading Serbia and enforcing the demands presented to it, have noticeably increased its power position in the Balkans to the detriment of third parties at all. Certainly, it would, in the first instance, have been able to let the Serbs feel the force of the stronger power. With that, however, it would not only *not* have removed the Serbs' opposition to its pressure but instead only increased it even more. The Serbs would not have stopped hating and also would not have stopped hoping. Certainly, if Russia had not gone beyond its custodianship, its esteem among the Balkan peoples would, in the first instance, have suffered a blow. But something like that does not last for all eternity. Among the Serbs, the feeling of disappointment about Russia's failure—since, after all, this only needed to be temporary—could under no circumstances have lasted as long as their embitterment about

the violence inflicted on them by Austria-Hungary. The internal difficulties of Austria-Hungary, by contrast, would certainly not have been reduced by “penalising” the Serbs—which, on top of everything else, would not even have been all that easy—but would very probably have been multiplied instead. So it must be seen as doubtful to the highest degree whether the action’s final result would have been any material gain for Austria-Hungary at Russia’s expense.

But assuming that the opposite had really happened, that Russia’s esteem would indeed have suffered all kinds of damage among the Balkan peoples, what would have thereby been lost for its people’s real interest? What condition for the economic and general cultural improvement of the peoples of the Russian Empire would have been damaged by Russia ceasing to play first fiddle in the Balkans? *Not a single one.* This vast empire, an entire Continent in itself, has so many possibilities of development that, from this perspective, the question of whether its influence or that of Austria-Hungary became the greater in the Balkans would not touch its *life* in any way.

One might object that, for Russia, the Balkan question is a question of control over the straits that connect the Black Sea with the Mediterranean. If we admit that, we could not dispute that Russia’s efforts to secure access to the ocean for its exports are justified to a certain degree. But first, the question of these straits is not so inseparably connected with the question of Serbia that for their sake this could be a question “of life or death”, and second, securing free use of these straits is also not necessarily linked to *possessing* them. Thus, as great as the interest of Russian foreign commerce might be that these sea routes lie open for its use at any time, the question of their possession was still always only a “vital question” of Russia exercising its power, which may well be significant for its rulers in the great power game, as well as for certain capitalist circles, but posed no insurmountable difficulties for the great working Russian people, merchants as well as manufacturers, intellectual as well as manual workers, petty tradesmen, and farmers. As I have already remarked, Russia is an entire Continent in itself, for which separation from the seas—still always only a temporary possibility—may become inconvenient, but which can never seriously cut off its thread of life.

Thus, at more precise inspection, the alleged question of “life or death” dissolves into a question of a possible loss in external esteem—which, firstly, needed only be a temporary loss—and, further, only referred to an exercise of power with which are associated none of the fundamental

conditions for the development of the economic and social, physical and mental strength of Russia's people, people taken here in the widest sense, where the concept encompasses all classes of the population who are not mere drones and their retinue. Hence, we did not even need to be social democrats, we needed only apply the criterion for the living conditions of peoples—which was shared by Social Democracy and bourgeois liberalism, before the latter had eaten of the apple of modern imperialism—to see that what Mr. Sazonov described as a question of life and death for his country was actually the question of a power interest that could at most have true significance for a very small class of the top brass of the Russian Empire. The so-called vital national question was incidental to the life and death of the nation itself.

2 AUSTRIA-HUNGARY AND SERBIA

Let us turn to Russia's enemies and ask how things lay with the interest which the governments of the allied Central Powers of Europe described, with respect to Serbia, as a vital national question for the Austro-Hungarian monarchy and indirectly for Germany.

In the introduction to the Red Book by the Austro-Hungarian government, it says about this: "there was no room for any doubt that our honour, our self-respect and our *vital interest* peremptorily demanded that we should deal with the criminal conspiracies of Servia and obtain guarantees for the security of Austria-Hungary."² Similarly, in the introduction to the German government's White Book, it explains that Austria had to tell itself that it "was not compatible with the dignity and the spirit of *self-preservation* of the monarchy to watch this agitation across the border idly any longer" and that the German government, recognising "these *vital* interests of Austria-Hungary, which were at stake", was not able to counsel its ally "to take a yielding attitude not compatible with his dignity"³.

Nobody will dispute that, for Austria-Hungary in its current state composition and form, there did indeed exist a strong interest in eradicating the Greater Serbian activities in the Serbian and Serbo-Croatian territories of the Dual Monarchy. Even the powers of the so-called Triple Entente had admitted that and recognised as justified in principle Austria-Hungary's demand for guarantees against these activities on the part of Serbia. It was only disputed whether fulfilling all the demands Austria-Hungary made in this respect, and occupying Serbia when the latter did not immediately approve some of them, were to be acknowledged as vital

interests of the Dual Monarchy. Which of the two parties was in the right? What would have happened if, at the end of August 1914, Austria-Hungary had declared that for the time being, it would let matters rest at the concessions that Serbia and the Triple Entente powers had made to it? At least in the first instance, its position in the Balkans would have been improved. Those concessions were of such far-reaching nature that, thanks to them, Austria-Hungary would have had a pledge in hand vis-à-vis Serbia that was not easy to weaken. For at that point in time, Serbia was regarded anything but well by the majority of the great powers. In England, for example, people had forgiven it neither the bloody night that accompanied its change of dynasties nor its conduct towards the Bulgarians, for whom the English liberals had a particular proclivity since Gladstone's time.⁴ England repeatedly declared both to the French and Russians that the idea of being drawn into a war for Serbia's sake was unpopular in the extreme in England. If it had filed a complaint because of Serbia's failure to fulfil its promises, Austria would have been sure of England's support and thereby of the backing of the majority of powers.

Now of course, Austria-Hungary had more in mind than merely containing the Greater Serbian agitations. It wanted to exorcise from the Serbs once and for all any hope of realising the idea of an autonomous Serbia "as far as the Serbian tongue sounds". But firstly, history has shown that, once a people has entered or re-entered as a nation into history, the idea of creating national unity is not at all to be extirpated from people's heads but rather again and again seizes their spirits anew with elemental force; and secondly, we should raise the question whether it is even correct or true that Austria-Hungary's "life" depended on that idea never coming to fruition.

Anybody who merely measures nations' strength according to the number of their people will answer this in the affirmative—unlike, by contrast, anybody who sees its guarantee in the consciousness of solidarity among the country's citizens [*Zusammengehörigkeitsbewußtsein der Landesangehörigen*]. But only the latter can field the experiences of history for his opinion. Where this consciousness of solidarity was strongest, there too the stronger unfolding of forces was possible under otherwise equal or near-equal conditions. That a state can gain materially by losing territory and people where centrifugal populations are concerned, we can see in Turkey. The secession of the Balkan territories, populated by Slavs and Greeks, became for it the lever for stronger internal consolidation. Something similar is or was very well conceivable with regard to Austria-Hungary.

3 THE SERBIAN–BULGARIAN DISPUTES

In the Balkans, official Serbia and official Bulgaria have lain irreconcilably opposed to one another since 1913 in a dispute about parts of Macedonia drained by the Vardar river, the possession of which each of the two governments describes as a *vital interest* of their country and people. The Serbs declare the population there to be Serbian and the Bulgarians to be Bulgarian, and in fact they speak a Slavic dialect that, according to the testimony of impartial experts, is *neither purely Serbian* nor *purely Bulgarian* but fairly equally closely related to both languages. Hence, the demand—declared a vital interest—cannot in each of these cases be based on particular racial and linguistic affinity. Further, the Bulgarians appeal to the fact that, in the thirteenth century, at the time of the highpoint of the power of the old Bulgarian Empire, the contested territory was a Bulgarian possession, the Serbs that in the fourteenth century, at the time when the old Serbian Empire flourished, it was a Serbian possession. But no legal claim is of a more questionable nature than the so-called historical right. For since there is no criterion for how far one may go back into history to establish this right, the appeal to historical claims has always been the source of eternal dispute, which did not and cannot let peoples come to rest. In reality, we are dealing with a question of territorial expansion, which is a living condition for neither the Serbian nor the Bulgarian people. The Vardar valley may well be important for traffic to the Aegean Sea. But since, through the Treaty of Bucharest, the final part of the Vardar basin was awarded to Greece along with Saloniki, the question of securing their ability to use the trade routes along the Vardar is no longer a particular question between Serbia and Bulgaria, but rather one of all three of these Balkan states, so far as it is not, as regards the railways leading to Saloniki, an international question of a greater kind. It is in the interest of the peoples of the Balkans to see it regulated *internationally*—this one could describe with some justification as a *vital interest*. But the question of possession is a vital interest only for the population of the contested territory itself, whose welfare demands that the dispute over its possession finds its end in some way that leaves no pretext for sparking new quarrels. For this, it is necessary to settle the dispute through arbitration and by consulting the inhabitants, and these would presumably have led to an outcome that suits neither the so-called vital interest of Serbia nor the so-called vital interest of Bulgaria but would prove all the more to the benefit of both peoples' real vital interests.

The Positive Side

We could now raise the question whether it could be disputed that there are questions of life and death for nations at all and how, if this is not denied, we should recognise the nature and existence of such questions. Some remarks about this may conclude our analysis.

Self-evidently, in our investigation we are only concerned with the relations of nations and states to other nations and states. For their internal development, there are vital questions that have no immediate connection with those relations, like questions of the protection of the person, of work, of permitted property, of the right of commerce, of the rights of state citizenship, and so on, and which are thus only in quite exceptional cases objects of dispute between nation and nation. The dispute between England and the Boer states, which led to the Boer War of 1899–1901, provides an example where this was indeed the case; likewise, the wars of European powers against China had to do with questions of this kind. In these cases, external powers demanded changes in the civil and citizenship law of the named states, which were seen by their governments as damaging to their independent existence. Stripped of their connection with capitalist interests of acquisition or monopoly, these demands touched on the very significant question of how far individual peoples should have the right to conduct themselves in contradiction to the general development of civilisation—that is, to ignore the fundamental legal principles that have attained general validity in the great intercourse of the civilised world—and whether there even is a right against general development. However, we are concerned here with nations of European culture, which at least officially acknowledge that those fundamental legal principles apply to them, lie within the development of civilisation, and actively take part in it.

We can acknowledge as a vital question for nations of this type that, in their effort to keep pace with general development, they are not artificially restricted by the actions of other nations. Here, this primarily concerns the regulation of the economy and, within this, in the first instance *trade policy*. A nation that would be hindered by its neighbours' trade policy from developing its economic forces in line with its natural capacities would surely have its vital interest damaged by this, since the economy is the fundamental material condition of cultural progress. This is one of the reasons why the recent protectionist policy—which is no longer a matter of nurturing industries, but rather of monopolising markets as far as possible—must, given constant further development, again and again necessarily create causes for war, insofar as it does not immediately become one itself.

Another factor that can seriously inhibit the development of a country's fundamental conditions of cultural progress is the infringement of its security from military assault or against being drawn into war. Just as the French Revolution described security in the Declaration of the Rights of Man as one of the fundamental rights of man and citizen, security is treated by the law of peoples [*Völkerrecht*] as a fundamental right of nations. But the law of peoples is only concerned with tangible, factual infringements of this security; its injury by threatening preparatory measures does not fall into its sphere of application. But recent times have shown by many examples what terrible injuries a country can suffer if another country makes preparations for war on a large scale, which seem, as things stand, to be only directed against the former. If the threatening ghost of war hangs over a country, enterprise falters, investments of a greater style cease, and disproportionate parts of the national income are spent on counter-armament. If this does not already bring about a literal question of life or death, a nation's healthy life can still be impaired so strongly that we become justified in speaking about one of its vital questions.

But should a country or nation that feels threatened in such a way by the armament of another country or group of countries be granted the right to demand that they halt their armament, and to answer with a declaration of war if they do not do so, by appealing to their vital interest? The question has become topical again in modern times, already in a very far-reaching form in 1875, when the French army reform at the time and the purchases of army materiel undertaken to carry it out were taken by Germany as a threat of war (the oft-cited "War in sight?" article of Bismarck's *Post*).⁵ Conversely, in the new century, the German naval laws, following in rapid succession, by which the German fleet was brought ever closer to the English one in terms of size and potential, were perceived in England as a threat to the security of this country and brought forth efforts there to make Germany halt or at least moderate its armament in some way, and if the English government sought to achieve this by the diplomatic route, there were plenty of voices who declared that no amount of deferral would be of any use and that Germany was visibly not willing to yield, and hence that it was a "matter of life and death for England" to force Germany to yield by force, that is, to declare war on it now, while England still held supremacy at sea.

As outrageous as this reasoning seems to ordinary thinking, it can still hardly be described as fundamentally blameworthy from the perspective of

those who regard the question of armament as a particular affair of states, which each state merely has to regulate after its own assessment. But the logic of this viewpoint is the rule of force [*Faustrecht*] by nations, moderated by convenience but not restrained by any higher law. So, after all, in discussions about the beginnings of the present war in Germany and elsewhere, we come across the remark that Germany was forced to recourse to decision by arms by its ultimatum to Russia because, in the face of Russia's far-reaching army reforms, each year of deferral would, in the relationship between its military strength and that of Germany, have meant a shift in favour of the former. Here, the line of thought is fundamentally the same as there.

And it cannot be denied that it has an inner logic and an idea of right. The idea of right in this case is the reference to the right of *self-preservation*. If A is certain that B has evil intentions towards him, he will also ask himself the question of whether he does not wrong himself if he waits, peacefully and patiently, until B is strong enough to carry out his purposes. So far, so good. However, in practice, this question presents itself as whether a nation that considers itself threatened in this way can still appeal to the right of self-preservation if instead of certainty it has only a more or less strong *suspicion* [*Vermutung*]. Now, in fact, when evaluating states' intentions, it is nearly always only a matter of suspicions, and so appealing to the right of self-preservation only illuminates the fact that in the system of state individualism, as we can describe the current legal situation in these matters, nations are secure in their uninhibited development merely insofar as it is guaranteed by force or by alliances for the purpose of resorting to force. The antinomy that lies within this is exacerbated even more by the fact that small states may well become resigned to existing on sufferance [*auf Duldung*], or rather content themselves with the fact that other states do nothing to them because they do not fear them, whereas large states regard it as their "vital interest" *not* to live "on sufferance" but rather to be feared.

Under the present system, there is no escape from this antinomy. We can only blunt it through convenience as long as possible—and we have seen that this "as long as" does not mean indefinitely—or by bridging it through accords, and even these are no solution. A solution can only be reached by changing the system, that is, by abandoning state individualism in favour of an international legal situation that creates for states and nations the same thing that in all civilised states guarantees the fundamental law for citizens and foreigners residing in the state territory, so in the

first instance security to the greatest possible extent. Until such a situation is brought about, England and Germany, for example, will consistently appeal to their vital interests for their armament at sea and also be able to do so with a semblance of justification. Admittedly, this vital interest looks different for England than for Germany, but in both cases, the right of appeal flows from the same source. In today's system, interest can only balance itself against interest as long as the inconvenience of such a situation of mere balance does not cross a certain threshold or is moderated via compromises for a time. But the latter only means prolonging the antinomy identified above.

NOTES

1. [Ed. B.—N.B.: cf. Buchanan's dispatch to Sir Edward Grey in the English Blue Book about the war, under no. 139, *Vorwärts* edition, book 3, p. 64].
2. Max Beer, *“Das Regenbogen-Buch”: Deutsches Weissbuch, österreichisch-ungarisches Rotbuch, englisches Blaubuch, französisches Gelbbuch, russisches Orangebuch, serbisches Blaubuch und belgisches Graubuch: Die europäischen Kriegsverhandlungen: Die maßgebenden Dokumente, chronologisch und sinngemäß zusammengestellt, übersetzt und erläutert* (Bern: Verlag Ferdinand Wyss, 1915).
3. Beer 1915.
4. Here Bernstein is likely referring to the international response to the Unification of Bulgaria in 1885.
5. Constantin Rößler, “Ist Krieg in Sicht?”, *Post*, 8 April 1975.



Patriotism and Class Struggle

Not for the first time today, a difference of opinion reigns within Social Democracy about whether and in how far the class struggle of the modern proletariat, which it represents, can be reconciled with demands that are raised in the name of patriotism. Ever since a consciously proletarian workers' movement has existed, this question has occupied people's minds in one form or another, and it has repeatedly provoked very acute controversies. But it has never before affected the International of the struggling working classes in so immediately tangible and, at the same time, so intricate a shape, never before has it led to such sharply opposed interpretations and applications, as in the present world war. But also precisely for this reason, it was never so necessary to discuss its fundamental nature as dispassionately as possible.

The complicated nature of the question becomes clear straightaway if we set about determining more closely the two concepts whose relationship to one another concerns us here. If we pose a number of people the question of what the concepts patriot and patriotism signify, we will in most cases receive an answer that is anything but unequivocal. "Patriotism"—it says in an article that is well worth reading, which the *New Statesman*, published by the Fabians, recently brought out under the title "Patriotism for Infants"—"is not a ready-made subject like Latin grammar or algebra. It is not an exact science about which there is no disputing outside lunatic asylums. There are about as many varieties of patriotism as of religion. It shades off gradually from the patriotism of the

bully at the one end of the scale to the patriotism of the saint at the other—we mean the extreme kind of saint who would willingly see himself and his country crucified if he thought this was necessary to the salvation of the world.”¹ We might get a sense of the diversity of the varieties of patriotism if we compare, on the basis of history, the conduct of those men who became famous as great patriots. For the present, *inter alia*, let us call on the example of two of England’s renowned poets and authors: G. K. Chesterton and Rudyard Kipling.²

These two took opposing stances towards the Boer War. Kipling wished for the victory of England and Chesterton for that of the Boers. The latter was regarded at the time by many—and probably still is today—as treacherous sentiment. “All we wish to suggest”—it reads further in the article—“is that a visitor from Mars, who studied the careers and writings of Mr. Chesterton and Mr. Kipling, would be much less likely to conclude that one of them was a patriot and the other a traitor, than that both of them were patriots, but of different kinds. He would note that Mr. Chesterton is a patriot who likes to think he belongs to little country, and that Mr. Kipling is a patriot who likes to think he belongs to a big country. He would see that Mr. Chesterton loves England as riotously as Mr. Kipling loves the British Empire. In other words, one of them has the patriotism of the Nationalist, the other the patriotism of the Imperialist.”

Thus the weekly of the moderate wing of the English socialists. In this country, we would hardly grant even an atom of patriotic sentiment to a man who, if he sees his country waging an unjust war, wishes for its enemy’s victory. But that only proves that, in this country, we understand patriotism differently than the author of the cited article and many of his compatriots, not that one view is more correct than the other. At the height of the French Revolution, being a patriot meant being a democrat, and only someone who was on the side of the people against the aristocracy and its allies had a claim to this name. At the same time, patriotism demanded the bitterest struggle against the enemies of democracy at home, just like defence of the country against enemies abroad. Bygone times—the concept has undergone a thorough transformation on the Continent over the course of the nineteenth century. In Switzerland, the tradition was so strong that in the Grütli Union, founded around 1849, members ended their letters until the 1880s “with a patriotic greeting” as a sign of their democratic sentiment.³ Today, the word refers only to conduct towards *foreign countries*, so that, as the case may be, the only democrat who is recognised as a patriot is one who would be prepared,

unconcerned about right or wrong, to make common cause with aristocracies of birth and property against the Democracy of another country, so that being a patriot can mean precisely acting as a non-democrat, and in effect betraying democracy.

All the same, even if we use the concept of patriotism exclusively to refer to cases where it is necessary to observe the interests and security of one's own country against other countries, we can apply it in a wide range of different ways. Even then, it still does not have to require political conduct that must necessarily stand in contradiction to the class struggle of the proletariat.

This too lends itself to different readings. If we use it to refer exclusively to the struggles waged immediately between organised workers and organised capitalists in the economic and political domain, then class struggle is perhaps a fact that plays out in all modern, developed countries, but is not yet international in the full sense of the word. For there have still been no comprehensive economic or political struggles fought between the allied workers of various countries and the allied capitalists or capitalist parties of these countries. So far, there is still a certain solidarity between the workers from country to country, which rests on the interest that each country's workers have in the economic situation and the political rights of workers improving everywhere. However, this solidarity is not yet of a much higher kind than the class solidarity that prevails between the capitalists of different countries. It does not yet express any higher societal principle. Only to the extent that the idea of international workers' solidarity does this, only when it is conceived and exercised as the bearer of a struggle for a new societal order—which, along with eradicating class rule, also places the international relations between peoples on a completely new foundation that excludes the dominion of nation over nation—does it raise itself and the class struggle that forms its material substrate fundamentally above the associations and struggles of interest of other societal classes.

So if a certain fraction of the adherents of international socialism today seeks to represent class struggle merely as the opposite of patriotism or as its replacement, that should not be accepted in any way. Only a very narrow conception of class struggle would oppose any kind of patriotism, and class struggle, as Social Democracy conceives and must conceive of it, does indeed stand in contradiction to a certain, narrow aberration of patriotism. But why restrict the concept of patriotism to its narrower interpretation? Patriotism as love for one's own country and people is a feeling that we have neither cause to *wish* to stamp out nor the ability to

be able to do so. It says very aptly in the article from the *New Statesman* cited above, on the question of whether children should be given special lessons in patriotism at school, that we do not need to drum patriotism into children, since every schoolboy is “instinctively a patriot”.

Everything, except the professors of patriotism, conspires to make him so. He begins with the patriotism of the school. His school-patriotism, if we may use the phrase, is more often in need of curbing than otherwise. He learns to think of the inhabitants of rival schools with contempt and dislike. He invents nicknames for them. He throws stones at them from a safe distance. When he is of a bolder disposition and of the nature of a future V.C. [Ed. B.—a medal that is equivalent to our Iron Cross], there is nothing he likes better than to pick a fight with one of them by lurching into him as he passes in the street, or by challenging his right even so much as to look at him. Many of us have enjoyed something like these passions in our schooldays.

That is the natural stance of the schoolboy, even if it changes somewhat from place to place and is refined in the better schools into a school patriotism that is truly in keeping with the rules of sport. But where these rules do not become second nature, the schoolboy easily grows into a lad who reveres an aggressive local patriotism—and so it continues. First one loves one’s own school more than others, then one’s own village or one’s own town, and ultimately, “as needs no demonstration in these days”, one’s own country more than others. “No education is necessary to produce this love of school or village or city or country. All that education can do is to give it a noble instead of an ignoble direction—to steep it in the tradition of honour and sportsmanship and chivalry.”

In fact, it is not a question of whether someone loves his country and his people, but *how* he loves it and how he conceives of its position in the family of peoples. Ethical impressions are self-evidently not enough for the latter, as these may well be able to provide a sure guideline for conduct towards persons but not towards nations. Rather, they need to be supplemented with political knowledge, to wit, political knowledge that is underpinned by a conception of the world. Therefore, class struggle must develop into a worldview before it can influence patriotism in a certain way.

But that can never consist in driving patriotism out of people’s passions. In addition, class struggle would have to be able to put an end to differences of language, climate, customs, historical memories, local impressions,

and still much more. But that is impossible, and even if it were not, it is in any case an achievement that could only be the work of an interminably long process. Only individuals can ever detach themselves from their people, and their country, and only individuals can hence utterly smother every patriotic feeling in the class struggle, but the mass will always retain it in one form or conception or another.

So what class struggle can and should do is to instil a certain particular conception of patriotism. But it can never ever do that if its representatives present it as the absolute opposite of patriotism. It only stands in opposition to a patriotism that denies or misrecognises the internationality of peoples' interests. We should emphasise that, but we should not put the monopoly over the matter into the hands of a backward aberration.

NOTES

1. *The New Statesman*, "Patriotism for Infants", 29 January 1916.
2. Gilbert Keith Chesterton (1874–1936), British writer, poet, philosopher, journalist, lay theologian, and literary critic. Joseph Rudyard Kipling (1865–1936), British journalist, novelist, poet, and prominent exponent of jingoistic imperialism.
3. The *Grütliverein* was a Swiss political party, founded in 1838 on a platform of educational reform and trade union activism, by 1878 clearly socialist in outlook, and eventually folded into the *Sozialdemokratische Partei der Schweiz* (SP) after 1901.



The Dispute Over Grand Strategy

Preliminary Note I published the four essays that follow here under the same collected title in the *Leipziger Volkszeitung* of June/July 1916. They were substantively prompted by the proceedings in the sessions of the Reichstag of 5 and 6 June 1916 and the debates that preceded them in the Budget Committee of the Reichstag.—Ed. B.

1 BETHMANN-HOLLWEG AND THE NATIONALISTS

The Reichstag debates have faded away, and the parties have taken stock of the session that now lies behind us in their press. Experience will show who gauged the effect of the resolutions about the Reich's financial and economic policy most correctly. They themselves cannot be disrupted for the time being. They have become law.

By contrast, as the question currently stands, the policy which, after the old custom, is called grand strategy has remained the same. Under this name in normal times we understand merely foreign policy, but this is often neither grand in its conduct nor of paramount significance in its effects on the life of nations. Today, it includes war and the things associated with it and has thereby certainly become the greatest matter of the day. On it depends the welfare and woe of millions, the entire immediate future of our people, as indeed of the greatest part of Europe.

But the Reichstag session has shed little light on it for us. We have received little illumination regarding grand strategy from those to whom its leadership is entrusted in this country, and what little they have sent our way was unedifying enough. Only in one respect can we speak here of a certain clarification. The nature of the dispute that is being waged between the Reich Chancellor and the advocates of strong, forceful policy [*Politik der starken Faust*] in front of and behind the scenes was also much more clearly in evidence to the uninitiated during this Reichstag session than was the case hitherto.

Twice, the dispute was brought before the general public. The first time in the debates that played out at the end of March and beginning of May about the submarine war and the relations towards the United States, the second time in the session of 5 June with its conclusion on 6 June, on which days Bethmann-Hollweg rallied the nation against its enemies from the Reichstag rostrum.¹ He did this on the first of these days with a passion that made a great impression on those who heard his speech, but which could not and cannot be a criterion for the factual nature of the dispute.

It is an old experience that, just as in normal life, there is often much fiercer dispute about petty things, like questions of good form, than about the most important matters, and in parliaments too it is much more seldom great, fundamental oppositions that bring about so-called rows than quarrels about secondary questions, personal attacks, or disputes between members of one and the same party grouping. Especially on the government bench, they were always at their most nervous if they had to ward off barbs that came from their neighbours. Such barbs can be strongly poisoned, and playing with them can awaken human sympathy with their victims, but their depravity proves nothing about the politics of the person or persons against whom they are fired off.

In the case before us, there can be only one judgement among social democrats who have not entirely strayed into the nationalist camp about the methods and intentions of the political circles which Herr von Bethmann-Hollweg had to deal with in the question of the submarine war and now has to deal with regarding his entire foreign policy. The intentions and methods of the nationalist fraternity, as we can call the entire element of annexationists, whose most extreme and outspoken wing are the pan-Germanists, are not merely reprehensible. They are something worse and must be fought with the most intense energy. Certainly, the policy they advocate is at the same time so nonsensical that the realisation of their

goals is a sheer impossibility. But no man will leave fantasists unchallenged just because what they have in mind is impossible. The delusion that one must be able to divide and dominate Europe at one's pleasure, and the conceit that one can act entirely without any consideration in coercing nations of any size and strength under one's will, have been historically condemned to hopelessness. But any attempt to act in accordance with them would infinitely increase the misery under which Europe groans and delay healing the wounds from which it bleeds forever.

If, in the question of the submarine war and negotiations with America, Herr von Bethmann-Hollweg did not act in the way that those around Bassermann, Westarp, and their comrades wished and now does not allow himself to be dictated war aims by them, that is understandable enough.² But it is hardly a reason to now celebrate him obediently. For no man, let alone for a responsible statesman, is it particularly praiseworthy that he did not and does not want to act like a downright halfwit. To each his own! Let us acknowledge that Herr von Bethmann-Hollweg sees things from a somewhat higher vantage point than some Dietrich Schäfer or some other pan-Germanist.³ But if social democrats, as has been tried here and there, already therefore want to give his grand strategy their vote of confidence, they thereby show only that they have become inordinately modest in their claims or that they find themselves in quite remarkable unclarity about the nature of the contradiction between Bethmann-Hollweg and his nationalist opponents.

What is the contradiction that differentiates Bethmann-Hollweg's grand strategy from grand strategy as the nationalists want it to be conducted, as their advocates, Herr Bassermann and Count Westarp, described it in the Reichstag session of 6 June? A factual re-examination of the speeches of the Chancellor and these gentlemen will show that what distinguishes them in respect of all the policy details they raised are simply questions of *degree* in pursuit of a policy that starts from the same *fundamental conceptions* of the *law of peoples* and *law of war*, while between these conceptions and the concepts of law that Social Democracy has advocated hitherto regarding the right of peoples and of war stands **an entire worldview**. And that, after all, is what our stance depends on. Precisely that is what we must emphasise at every opportunity in our respective speeches and declarations and what we can express clearly and sharply without any unnecessarily damaging insinuations. As vigorously as the Chancellor has repeatedly confronted his nationalist opponents, he still *never* raised fundamental objections against them but always only

objections of *opportunism*. It is as an opportunist dispute that the contradiction between Chancellor and nationalists reveals itself in every point about which they lock horns.

A classic example for this was precisely the dispute about the submarine war. Not a single time did Herr von Bethmann-Hollweg confront those who called for reckless submarine war by advocating another, higher idea of right than the one that filled these people; he always only held up to them reasons of *expediency*, and we do not want to deny that, as a politician of expediency, he has stronger trumps on his side than the Tirpitz-worshippers.⁴ At that time—at the beginning of April—the compromise resolution in the Budget Committee and then in the plenary session came about as a mere formulation of expediency that in its elasticity—politely expressed—united on the one hand the Chancellor with the nationalists, and on the other hand these with the representatives of the old social-democratic fraction, and was interpreted differently by each one. Only the Social-Democratic Workers' Association represented with a certainty that ruled out any ambiguity the demand that in the submarine war the fundamental principles of the law of peoples may not be infringed.⁵ And that the resolution it introduced represented not only the more fundamental but also in the better sense of the word the more expedient and dignified policy was shown by the fact that ultimately the Chancellor, to avoid a break with America, had to enter into obligations that corresponded to it. The adopted resolution's lack of political character was reinforced once again in the session of 6 June by the speeches of Herr Bassermann and Count Westarp in the clearest way, and the Reich Chancellor gave his blessing to the relevant declarations in his closing words.

Likewise in other questions. Bethmann-Hollweg became the most passionate when he defended himself against allegations that amounted to saying that he was not enough of a militarist, not enough of a daredevil—in brief, as he summarised it at the end of his speech of 5 June, that people wanted to attack him “as someone who *despised the great and strong national traditions* of which the *old parties* of this house *are justifiably proud*”.⁶ Certainly, the accusations that should prove this are unjustified. They would also be so if the Chancellor had not, as he mentions, “supported every expansion of the army” in the great defence bill of 1913 and had “stood up for every demand by the Minister for War to the last man”. For ultimately there are limits to everything, and among those who are interested in a subject there are always people who want to go far beyond them, and it is a matter for the leading statesman to lead the exuberance

of the man from the “resort” back to acceptable moderation. But we need only refer to the speeches of Herr von Bethmann-Hollweg from the time before the war, in particular his speech of 2 December 1912, this precursor to the speech on the defence bill, to be convinced that the man—the most senior civil servant in the Reich—who only addresses the parliament from the government bench in a soldier’s uniform quite certainly does not let his militarism fall short. As far as his will goes, Herr von Bethmann-Hollweg pursues in war and in establishing his war aims the policy of the nationalists, so far as it appears sensible—that is, possible—to him. Whether he always pursues it in the most suitable way is a question about which he may argue with the people in the centre and the right of the house. Social Democracy has to apply a different standard to his actions and speeches.

2 THE CRUX OF THE BETHMANN-GREY DISPUTE

The role of statesman, which Herr von Bethmann-Hollweg plays in the camp of the Central Powers, Sir Edward Grey plays for the so-called Quadruple Entente.⁷ Particular weight is placed on each of their statements, which with the first of them comes about simply because he is the highest minister of the leading state in one coalition, but has further secondary reasons with Grey, who is only minister of a particular department—besides the fact that this department is indeed foreign policy—which we shall not go into here. Already, the statements by Bethmann-Hollweg and Grey have repeatedly had something of an indirectly conducted dialogue about them. Each one in substance directs part of his speeches or declarations past his immediate listener or listeners now in attack, now in rejoinder to the addresses of the other. In the first instance, this was a matter of establishing and identifying the proceedings that belong to the pre-history of the current war or of the justification of military measures. But in recent times, questions of *grand strategy* have also been the object of such indirect conversation between the two statesmen—even with a view to the *end and goal of the war*.

That was especially the case with the interviews that Bethmann-Hollweg and Grey granted around the middle of May of this year (1916) to American journalists and which were then continued in their parliamentary speeches. Their outcome was up to now an unsatisfyingly negative one for the question of peace. But despite this, or even precisely because of this, it is not pointless to refer back to them. It can be of practical value

to establish the most fundamental reason for why these conversations have hitherto remained fruitless. Only if we get to the bottom of the dispute can we hope to gain an accurate judgement about it, which we need if we want to put the lever in the right place.

The first one to speak out this time was Grey. It happened on 10 May in an interview with the representative of the *Chicago Daily News*, Mr Edward Price Bell.⁸ In this conversation, the question of settling conflicts among states or groups of states through *international conferences* or *arbitrary mediation* has the greatest role. Retrospectively and with reference to the future, Grey comes back to this again and again, so that we see how important it is to him to drive the discussion towards it. The Wolff Bureau at the time conveyed his comments fairly extensively, and they may well therefore still be in the memory of most readers.⁹ Only the main points of Grey's remarks and some statements that were not quite faithfully translated may hence follow here.

Grey at one point comes to speak about the statement—championed by various German scientists and, in his view, dominating German thought—that war was necessary to protect mankind from denaturing and states from disintegration and says:

We are fighting this idea. We do not believe in war as the preferable method of settling disputes between nations. When nations cannot see eye to eye, when they quarrel, when there is a threat of war, we believe the controversy should be settled by methods other than those of war. Such other methods are always successful when there is goodwill and no aggressive spirit. We believe in negotiation. We have faith in international conferences.¹⁰

To this he adds remarks about the events on the eve of the current war and Grey's proposals, rejected by Germany, for conferences and mediation, with regard to which he says among other things:

If the Conference in London in the Balkan crisis in 1912–13 had been worked to the disadvantage of Germany or her allies, the German reluctance for a conference in 1914 would have been intelligible, but no more convincing pledge of fair play and single-minded desire for fair settlement than the conduct of that Conference in London was ever given. And in 1914, after Serbia had accepted nine-tenths of Austria's demands, the settlement of outstanding questions would have been easy.¹¹

After further remarks about the events at the time, Grey ends this part of the discussion with the words:

The conference we proposed, or The Hague proposed by the Tsar, would have settled the quarrel in a little time—I think a conference would have settled it in a week—and all these calamities would have been averted. Moreover—a thing of vast importance—we should have gone a long way in laying the permanent foundations of international peace.¹²

That Grey otherwise describes as peace aims the restoration of Belgium and Serbia and Montenegro and declares that he could accept no offer of mediation from neutral countries that would not express themselves clearly about this, we will have read in the Wolff reporting. Likewise the statements where he denies any intention of offending Germany's unity and freedom and presents it as his conviction that a democratic Germany, which would come about when the dreams of the pan-Germans are shattered, would forge no war plans with the aim of putting them into action at a given time. Mr Bell of the *Chicago Daily News* let Grey, following this, develop an entire picture of a future League of Nations [*eines Bundes der Völker*] for the peaceful conciliation of all conflicts and common action against any peacebreakers, closing it with the words:

Unless mankind learns from this war to avoid war, the struggle will have been in vain. Furthermore, it seems to me that over humanity will loom the menace of destruction.¹³

which he then justifies by referring to the new means of war first used and the rights of war conduct first exercised by Germany.

Thus the representative of England's foreign policy. What answer was he given by the representative of the German Reich's grand strategy? Herr von Bethmann-Hollweg answered Grey first in his interview of 15 May with the representative of the *New York World*, Herr Karl von Wiegand, and then in his Reichstag speeches.¹⁴ To the considerations already mentioned earlier as to why Germany and Austria-Hungary could not have gone in for Grey's conference proposals of 1914, he now adds the further reason that it had been clear to the German Reich government that Russia had already secretly begun mobilising as early as 26 July 1914 and that by accepting the conference, it would hence only have given Russia time to complete its mobilisation. Then, he lists a series of facts that are meant to support his behaviour at the time still further and rejects the remarks about Prussian militarism by Entente politicians as not becoming of them. He is the enemy, he declares, of all speeches and press polemics that strengthen hatred among peoples, and he refers to having twice made

clear that Germany was prepared “to discuss ending the war on a basis that offers a guarantee against future attacks by a coalition of its enemies and secures peace for Europe”. Only then would one, he says *verbatim*,

approach peace when the statesmen of the belligerent countries come back down to the world of true facts, when they take the war situation how every map of war shows it, if they are prepared with honest will to end the appalling spilling of blood, to discuss with one another the problems of war and peace.¹⁵

The paper to whose representative Herr von Bethmann-Hollweg said this gave his words an exceedingly pessimistic interpretation. With his reference to the map of war, it wrote, he was announcing yet more war instead of peace. Other American papers and even some English papers, who, like the London *Daily News*, are in general more favourable towards peace, expressed themselves in a similar way. Not to mention the English, French, and German war press.

It is an interpretation of the Chancellor’s statements that receives some support if we refer to his statements in the Reichstag about the peace guarantees that he regarded as necessary. For the insinuations that the Chancellor has made there about, for example, the future of Belgium are of such a kind that even people like J. Ramsay MacDonald declared that a peace that corresponded to them would be impossible in his speech to Parliament, which we will yet come back to. However, the Americans themselves emphasise that the map of the war situation looks different depending on whether one restricts oneself to Europe, where Germany and its allies have the advantage, or Asia, the ocean, and overseas, where the reverse is the case. Also, the war situation is not defined exclusively by successes in the theatres of war but rather through the relative forces that stand at the two parties’ disposal. Understood in this way—and anyone judging without prejudice cannot reason otherwise at all—the reference to the war situation would also permit a different interpretation, directed among other things against the phrases that we have recently heard again from speakers of the bourgeois parties in the Reichstag.

However, that is ultimately a question of application and not of principle. For our consideration, what is important instead is the fact that we see the German Reich Chancellor doggedly pushing questions of power and power interest into the foreground, while the leader of England’s foreign policy places weight on the idea of right and peaceful conciliation

in his discussions. We certainly do not take everything that Grey says at face value, and we especially want to emphasise in relation to this that, self-evidently, none of a state's or a nation's possession in territory or rights already has a claim to continue existing unchanged because at some time it existed "by right". But here, it is a matter of proclaiming and establishing the fundamental principles according to which the political relations of states and nations and their further development should be regulated now and in the future—and there, Democracy simply cannot possibly acknowledge as decisive any appeal to power. For as soon as the power or power interest of individual countries or groups of countries determines the rights of peoples or, put differently, so long as the vicissitudes of war are acknowledged as sanctioning right, so long too wars and war armaments will not disappear. What we can and must demand of Grey and his allies is that they make good in their own country on what he declared as a general fundamental principle. Democracy, since it has recognised other forces than wars between states as the guarantees of human progress, must not shake the fundamental principle itself.

Hence, with good reason, Pierre Renaudel, Jean Longuet, and other members of French Social Democracy, representatives of the majority as well as those of the minority, remind their country's chauvinists of precisely these declarations by Grey.¹⁶ Renaudel did that, *inter alia*, in the articles "Clear Words" (*L'Humanité* of 17 May) and "Edward Grey, Arbitrator" (*L'Humanité* of 19 May), and in *L'Humanité* of 23 May, Marcel Cachin writes in an article entitled "Obligation", at the end of which he also refers to Grey:

Let us proclaim once again that we must break resolutely with all phrases and the entire ignorant and boastful literature that we have revolted against in this place without relief. ... There are in our press and in official circles still tremendous illusions or a complete misrecognition of the situation. Hence certain antiquated and tired slogans of a naïve optimism, which increasingly outrage those who reflect and have not given up using their reason. We are the first to acknowledge the unprecedented recovery that our country has achieved thanks to the stance of the soldiers, fighting as citizens, who have three times halted the enemy's invasion. ...

But is it necessary for this reason to conceal the tremendous strength which the enemy still has at their disposal? Do we not have to enlighten public opinion precisely and definitely about their reserves of all kinds? We are resolved not to let ourselves be beaten; what stronger proof can we offer for our resolution than to tell the truth to our country openly about the effort that must still be made?

Likewise, we have demanded that we forever abjure the slogans of childish nationalism and the insulting attitudes that are still so prevalent among us. For a Frenchman who wants to be worthy of his race, and the history of his country, it is an obligation to preach moderation and to renounce primitive cravings for vengeance and coarse sayings. And so that this war is the last one, we must make efforts in its settlement to give each people its due, to violate none of them, and everywhere to respect the wishes of nationalities. If these just demands are trampled underfoot, the blood of our soldiers will have flowed in vain.

What the French socialist says here to the great speakers of his country, German Social Democracy may not become tired of pointing out to like-minded people on this side of the Channel and the Vosges. There, there is still very much—no, more than ever—to improve. Herr von Bethmann-Hollweg spoke of wanting to put an end to the frightful spilling of blood. But what use is it to express this wish if we cannot resolve to give up slogans and concepts which must postpone its realisation forever? In England, just like in France, the democratic popular elements have a great influence on the decisions of their rulers; in both countries, the workers' parties can, through the weight of their votes for or against a meaningful resolution, be decisive in the hour where it is a question of continuing or ending the bloodbath and destruction. A statecraft that wishes the decision to fall out in the latter sense will achieve this goal only if it acknowledges the fundamental principles for regulating the relations between peoples, which alone can find the assent of Proletarian Democracy. Here lies, so far as grand strategy comes into consideration, the crux of the dispute between Bethmann-Hollweg and Grey.¹⁷

3 THE CONFLICT IN GERMAN SOCIAL DEMOCRACY

When the late Reichstag deputy Motteler held his maiden speech in the Reichstag in early 1874, some of the turns of phrase he used in this speech met with opposition in the social-democratic camp.¹⁸ In the *Dresdner Volksboten*, a co-worker turned against Motteler's statement:

We are not enemies of the Reich as an entire state structure, but because the Reich represents certain institutions against which we fight and under which we suffer.¹⁹

If the antagonism of Social Democracy of the Eisenacher Programme, to which Motteler belonged, did not lie any deeper than that, opined the author—probably the characterful Professor Petermann or his friend Dr Heisterberg—then it was not clear why this party still insisted on its division from Lassallean Social Democracy.²⁰ There was no longer any substantial difference between the two fractions. However, political criticism was also levelled at Motteler's speech from the Lassallean side. This concerned the military question, and in it, Motteler had said among other things that the *fundamental* antagonism of his party towards militarism was of an *economic* nature. The organ of the Lassalleans, the *Neuer Sozialdemokrat*, turned against this statement. Decisive for the stance of Social Democracy towards militarism, it explained, was its *political* nature and effect; the economic question was for this a question of secondary importance. Now, in reality, nothing had lain further from Motteler than wishing to claim anything else. Our deserved standard-bearer had had in mind the effect of militarism in an all-encompassing *social* sense, which includes the political *and* financial side, and only chose his words poorly. But as it was, the statement was doubtless misleading, and the criticism of the *Neuer Sozialdemokrat* hence justified. About this, we Eisenachers were of only one voice. Not against the *Neuer Sozialdemokrat* but against his critics in the *Volksboten* did Motteler take to the field in an anti-criticism in the *Volksstaat*.²¹ At the unification negotiations held in winter 1874–1875 between the Eisenachers and the Lassalleans, there was at no time a difference of opinion about the fact that Social Democracy had to fight militarism in the first instance as a political institution.

This incident came vividly to my mind when I also found the following sentence in *Vorwärts* of 21 June of this year (1916), in a note that deals with the statements in the newsletter of the Reich Association for Combating Social Democracy²²:

Indeed, even Wolfgang Heine has been thrown to the wolves, because at the beginning of March he is supposed to have declared in Stendal, according to the *Magdeburger Volksstimme*, that we *would not give up class struggle* even if we were to give up our old stance towards militarism.²³

Whether Heine expressed himself in Stendal precisely as it is described here escapes my knowledge. But it is undoubtable that Heine and some other party members are deliberately promoting a change in our party's stance towards militarism, while other comrades are driven through their

stance towards war credits into a line of thought whose final outcome would have to be assenting to this propaganda. But all these comrades claim—the great majority doubtless in honest conviction—that they are unswervingly adhering to the principle of class struggle.

However, what would it mean to wish to continue the class struggle without adhering to the struggle against militarism of the kind we have waged hitherto? If anyone thinks seriously about this question, it must also become clear to them that from the moment that Social Democracy changes its fundamental stance towards militarism, it already gives the class struggle it has hitherto championed a different character. It receives a limit that depresses it onto a lower standard: from the height of the struggle for implementing a social principle on all sides, which is the expression of a particular new *worldview*, freed of the prejudices and conflicts of interest of property-owners, down to the level of a mere struggle of interest *within* the existing societal order. Economic struggle, understood and conducted in this way, then indeed appears as the crucial aspect of *this* class struggle. Which, over four decades ago, even the organ of the Lassallean wing of German Social Democracy turned against and which would now not be a mere mistaken expression, but rather the strictly accurate description of the struggle of Social Democracy.

That I am not developing an abstract speculation here but rather describing an existing tendency, we can see from only too many statements by spokesmen of the present party majority. This tendency, which, as remarked above, is represented consciously by some, while others are gradually seized by it, underpins the conflict that threatens to divide Social Democracy today. The dispute about the approval of war credits is only the external manifestation of a contradiction that has a much further-reaching scope than the vote on these credits would have if we could detach it from the party's general stance in the way that the great majority of the social-democratic Reichstag fraction believed on 3 and 4 August 1914, and a sizeable number of comrades still believe today. But this detachment is impossible after all, which is shown among other things by the reservations which the approving fraction attaches to its approval becoming vaguer from vote to vote and thereby losing ever more significance. Pious wishes for peace and for restoring good relations between nations mean nothing if the will does not stand behind them—and is not unambiguously expressed in the attitude of the party—to commit all the strength at its disposal in the interest of the international policy which it had hitherto proclaimed at its national party conferences and

International Socialist Congresses. But in substance, in respect to the war and the questions raised by it, the policy of the old Reichstag fraction has become ever more ambiguous.

I say in *substance* because I do not want to indeterminately suspect people's intentions. In respect of these intentions, there are very great differences among members of the old fraction—so, for example, those who are already now cheerleading for the party to approve armament demands even after the conclusion of peace are still only a minority so far. But not the intentions of individuals but rather the *resolutions* and *actions* of the collective body indicate the nature of a party's policy. In the circles of resolute Democracy, in the 1860s, there was a saying about the defunct Prussian Progress Party when it became clear that it was unable to conduct the constitutional struggle it had taken up with the consequence required: "Individually splendid and honourable, on the whole miserable." And we must now recall yet another phrase from that time. Namely Ferdinand Lassalle's statement, which has been vindicated by history, about how misguided the attempts were to avoid the necessity of a decisive position by *lying about* the truth. In such lying, through which they only deceive their own people, but never the enemies with which they have to deal, ever more party comrades seem to glimpse the highest political wisdom. Otherwise it would be inexplicable how the greatest part of our press can accept without complaint that leading representatives of our party emphatically present Herr von Bethmann-Hollweg as the bearer of a foreign policy that deserves the support of Social Democracy. As vaguely as the Chancellor is expressing himself about his war or peace aims at the moment—and, from his perspective, even *must* express himself in view of the war situation—enough still shines out from his declarations with all clarity that Social Democracy cannot possibly go his way if it does not wish to "throw onto the scrapheap" not only its commitment to the Republic but also its fundamental democratic principles lock, stock, and barrel and with them the fundamental concepts of internationality. This running along behind the Chancellor—for one can hardly call it anything else—is not even to be defended from the perspective of a policy for which the speedy achievement of peace is the exclusive goal. It provides material to the capitalist parties in the enemy countries against the pacifist currents in the working class there, but it robs the socialist parties in those countries of what remains of their trust in the great German Social Democracy. After the trust in our party's political far-sightedness, their trust in its honesty went to hell as well. For we will persuade no socialist who does not view

the world through black-white-red or black-and-yellow spectacles that we honestly see in Herr von Bethmann-Hollweg someone who strives for the kind of peace settlement that Social Democracy must demand according to its fundamental principles regarding the relations between peoples and which it alone can ratify.

As little as in domestic policy can Social Democracy be the party of the Chancellor in foreign policy. If the National-Liberal Party invented the theory of the “*two souls*” in the Bismarck ministry after 1866—the deficient domestic policy and the praiseworthy foreign policy soul—it was to discover soon enough that this double-entry bookkeeping in politics meant the destruction of their own party.²⁴ And at that it was still, even in sham-constitutional Prussia, a party capable of governing at a pinch, and Bismarck’s foreign policy was at least still free of imperialist excesses. Moreover, after 1866, Bismarck’s relationship to Wilhelm I was a quite different one than that of the current Chancellor to Wilhelm II. All pre-conditions that allowed the National-Liberals to stand behind Bismarck fall away for Social Democracy vis-à-vis Bethmann-Hollweg. Instead, precisely the pacifist mission of Social Democracy demands that it keep its independence from the Chancellor beyond even the slightest doubt, which it can only do if it emphasises with all acuity the difference between its policy from the policy that the Chancellor has pursued hitherto—and in essence is still pursuing—at every opportunity. It does not really need to be explained at great length that this can happen without playing into the hands of the Chancellor’s ultra-imperialist opponents.

Social Democracy can put its shoulder to the wheel of the Chancellor’s foreign policy even less since it could not even say with certainty what it looks like at any given moment. Comrade Philipp Scheidemann recounted on 20 June to a great popular gathering in Breslau as encouraging news the fact that Herr von Bethmann-Hollweg had, before a delegation of the social-democratic fraction, rejected the war aims laid down in the six economic associations’ famous memorandum as *going too far*.²⁵ But this revelation merely publicly announced news that was long since an open secret. No man with normal faculties of comprehension could think the Chancellor so robbed of all capacity for judgement that he would have declared himself in agreement with that product of immoderate greed for conquest. After all, we knew what kind of pains the attacks on the Chancellor on the part of the authors of that sorry effort had caused him.

However, is it Social Democracy’s concern to reject such a compromising effort? Can and may it already be satisfied with the fact that the

Chancellor has declared that he does not want something so directly preposterous? Or must it not, on the contrary, regarding peace aims, demand that the Chancellor obligates himself to a *quite specific programme* that in *no* point contradicts the fundamental principles of the International?

If we say that such a demand is futile, we admit that Social Democracy cannot support the Chancellor's foreign policy without becoming untrue to its own fundamental principles and betraying its historical task. Only as a *member* of the International can Social Democracy today pursue a true and effective peace policy. The *curse of ambiguity* will cling to all policy that deviates from this guideline, so far as it does not again become unequivocal by veering off outright into the imperialist camp. For such veering necessarily means, at the same time, admitting that we wish only to be a party of economic interests in the narrower sense of this term.

Here lies the crux of the dispute within Social Democracy about foreign policy. Not everyone sees the question as such a sharp opposition, and most seek to steer a middle course between the two poles. But that becomes more and more impossible, the more acutely the problem of foreign policy, or rather, of the war, comes to a head. The interest of peoples demands ever more imperiously an energetic peace action by Social Democracy that does not exhaust itself in pious wishes and ringing resolutions, and it becomes ever more clearly apparent that such action can only have an effect if it is taken in hand simultaneously in all participating countries, and with the same programme by the parties of the working class, and the demand to take a definite and unambiguous position on this great question of international Social Democracy becomes ever more unavoidable for every individual person.

What the German Reich government's real, concrete war aims are is not yet expressed clearly anywhere. Probably even the Reich Chancellor cannot say with certainty. For since he makes their determination dependent on the factor of power, which changes with the war situation, and since apart from this the Chancellor takes into consideration all manner of wishes and interests of the nation's upper class, the picture will look changeable even to him. But this is another reason why Social Democracy cannot possibly stand behind the Chancellor in questions of war aims and war policy. If he is able to raise himself so far above the elements that surround him to pursue a peace policy that corresponds somewhat to the programme of Social Democracy, he will find us on his side. Even under this precondition, however, Social Democracy could not do anything more wrong than to let doubts emerge about its independence and

resoluteness. Quite apart from anonymous forces in the army and the wider capitalist world, more than two-thirds of Reich citizens have come out in favour of other goals. But in political dynamics, every force counts only in relation to the energy with which it knows how to assert itself.

4 WHAT THE INTERNATIONAL CAN AND SHOULD DO

I.

Not only within the circles of Social Democracy do we find it painful that internal disputes have crippled the International of the working class at a time where it would be perfectly suited to deploying the weight of its entire strength to solving the question that has become an insoluble problem for our rulers. In those bourgeois circles too that have not yet fully lapsed into nationalist madness, they are beginning to realise how short-sighted it was when, at the start of this war, when everyone still saw things through German nationalist rose-tinted spectacles, they celebrated that “the fantastical formation of the International” was now destroyed. They recognise that the force for good which the International represented in questions of relations between peoples has not been replaced and is irreplaceable, and they have become aware that the absence of such a force is of downright fateful significance for the question of ending the war that is devouring ever more sacrifices.

Where do we stand on this question? In the third of these articles, I said that the *Reich* Chancellor, since he made the determination of the German Reich government’s war aims dependent on the factor of power, which changes with the war situation, at any given point probably himself did not know to say with certainty what these goals were concretely.²⁶ This statement has quickly been confirmed on the part of officials. In the *Norddeutsche Allgemeine Zeitung* of 7 July, Professor Brandenburg, the spokesman of the National-Liberal *Land* organisation in Saxony, who had requested of the Chancellor that he openly announce his war aims, received the officious reply that “the most elementary political prudence” *forbade* the Reich government from acceding to this request. “The final victory is not yet won. ... If otherwise the saying applies: Look before you leap [*Erst wägen, dann wagen*], then here it reads: Beat before you ask [*Erst schlagen, dann fragen*].”²⁷

A telling response, but one that, given what we have already said about this point, we do not need to dissect in detail. For our examination it is

enough to take from it the admission that the Reich government makes its war aims in their concrete form dependent on its luck in the war. But that may mean all the more that the war will drag on endlessly, since the Chancellor, according to his earlier statements, is set on spoils of victory which the enemy, according to their statements, will only concede if they lie beaten on the ground, and likewise *vice versa*. On both sides, governments have committed themselves firmly to such programmes. It will require forces that lie beyond them to move them to give up demands that are considered unacceptable by the opposing side.

But what forces come into consideration for this? It is obvious to think of neutral states that could certainly, through a common approach, exercise strong pressure, as soon as they agree on the form, kind, and timing of this pressure. But reaching this agreement is, as is shown today already, not a very simple matter; it may perhaps only be achieved, if at all, just enough to exert a still fairly gentle pressure. States acting individually, meanwhile, can at most offer themselves as mediators, although we must still take into account that, under the predominant way of thinking, even accepting mediation appears to be an admission of weakness.

But apart from the action of neutral states, a serious result in the above sense could only be expected from the action of strong-willed elements of the participating peoples themselves. However, such elements are provided in sufficient numbers today only by the parties of the working class, and even they can only exert a strong enough influence if they act *internationally* under a common programme. A popular mood, expressed spontaneously, can inspire, spur on, or complement the planned action of organised parties, but it cannot replace it. The tremendous spatial extent of the combat area, unprecedented in human history, already makes this impossible.

For this reason, the action of the International, indicated conceptually in its congress resolutions, becomes with every passing day a more urgent prerequisite of the politics of peoples. The task is so great that neither individual country organisations nor parts of these cooperating internationally are enough to solve it. It is even doubtful whether the entire, unbroken International would be capable of bringing to rest the fury of war on its own once it has been unleashed. But it is not doubtful that a common approach, carrying an agreed programme on its banner, would quite significantly strengthen the force of each individual country section of the International and would enable these to support every force working in the same direction in the most effective way themselves. Anyone

who follows events in the circles of the rulers and the currents in the wider circles of the people with an attentive gaze must irrefutably recognise that, this time, peace will hardly be granted to humanity as the gift of individual circles' insight, but rather that it will have to be brought about through the labour of a multiplicity of forces, aiming in a convergent direction, which have to work at the same time, even if also independently of one another. Now, in the game of these forces, for various reasons, the International is indispensable as the mouthpiece for the intellectual world of the most energetic part of the lower popular classes. However, it will be able to bring its latent capacity for action to the demanded level only if the hindrances that today make achieving a unified expression of will simply impossible are cleared out of the way.

We know what the loftiest of these hindrances is—so to speak, the main source of the hindering elements raging in the International itself. It is the refusal of the majority of French Social Democracy to participate in an international conference at the same time as the majority of German Social Democracy so long as the latter does not change its parliamentary stance towards the questions associated with the war. All other hindrances that exist otherwise would straightaway lose their crippling force if this main hindrance were to fall away. Now admittedly, making this happen is a very difficult task—much more difficult than it was even a year or half a year ago, and it will become more and more difficult the longer the present tension, or rather the cause of this tension, continues. Here it is just as with the war itself. In this case, likewise, the poet's words prove true:

This is the curse of every evil deed,
That, propagating still, it brings forth evil.²⁸

Just as war in its course always creates new material for war and embitters peoples towards one another—peoples who were at first, as if forced by a higher power, astonished to see themselves confronting one another as enemies—so too here, as this antagonism continues, its nature becomes more acute, and the originally simple dividing question becomes overgrown by so many new moments of division that in fact it threatens to become inextricable.

But does the International of the working class of the world really wish to offer the same depressing drama that gapes at it from the side of the imperialists and militarists of all countries? Should a movement that has taken up the cause of reason and democratic right show itself to be just as

incapable of extricating itself from a difficulty that should be solved by reason and democratic action as those elements whose guiding stars are tradition and claims of power and property? That is the question before which the International finds itself, and contributing to its fruitful solution is the obligation of all its members, however they may think about the individual questions about which otherwise differences of opinion still prevail.

II.

Anyone who is aware of this task and who has the will to live up to it as far as he can must also bear in mind some conditions for its fulfilment, which seem to have slipped many people's memories today.

The task *will not* and *cannot* be solved *by minorities* who for whatever reason have become opposed to the main body of their party. Such minorities can in some circumstances do good work as *pioneers*, and they will do that all the better, the more they remain conscious of the fact that they are pioneers for a greater plurality. But in the great question that must be solved, they cannot simply take the place of the majorities.

For this great question, that is, for bringing about a peace that to some degree lives up to the fundamental principles of Social Democracy, minorities who pursue this goal must arrange their actions and conduct so as to win the majority for their opinion through *persuasion* and avoid anything that might widen the gulf unnecessarily. *In the end, it comes down to the majority.* A domestic dispute must not lead to a situation where, at the decisive point in time, people's minds in Social Democracy are completely estranged from one another and as a result only neutralise each other.

Naturally, it is nonsensical and would also be futile to demand that we should altogether avoid asserting opposing opinions and restrict ourselves to declaring our wish for peace and similar. Given the significance of the opposing perspectives, that is neither possible nor desirable. The struggle of opinions must stay. But it must be conducted in a way that—apart from certain extremes—does not rule out an understanding.

Further, we cannot avoid the fact that an understanding within Social Democracy on the question of war is impossible if we seek to push the question of the origin of the war to one side as redundant. It is not redundant. Certainly, its significance can be exaggerated, and its correct answer can be missed by ignoring important accompanying circumstances. But already the simple fact that, for a considerable fraction of

Social Democracy, the war's origin is of decisive significance for their behaviour towards it makes it absolutely essential that we at least enter into a sensible discussion of the question. The need for this is accurately developed in the pamphlet *The Crucial Point* by Germanicus, which appeared some time ago in the bookshop of the Swiss Grütli Union in Zurich.²⁹ This would also, among other things, have been the opinion of August Bebel, who in his *Memoirs* writes regarding his and W. Liebknecht's attitude towards the Franco-Prussian War:

If at the outbreak of the war we had already known what we came to know over the course of the next few years on the basis of official and unofficial publications, our attitude would from the first moment onwards have been an even harsher one. We would not, as it happened, have abstained from the first vote that demanded money for the war, we would have had to vote against it directly.³⁰

Above all, we will never come to a fair judgement on the position of French Social Democracy if we ignore the way in which this war came about. As was known to some of us already for some time but has today become known also to wider circles through polemics between *Le Temps*, *Le Matin*, and other French bourgeois papers on the one side, and *L'Humanité* on the other, French Social Democracy exercised a much more forceful influence on its government in the interest of preserving peace during the fateful week of July–August 1914 than it was possible for German Social Democracy to do.³¹ The fact that France is a parliamentarily governed country and that, in the house elections that were held two months beforehand, a majority in favour of peace had been elected, composed of the Left Radicals and Social Democracy, whose votes had gone up, gave our comrades wider leeway for pacifist action than we had, and they certainly made far-reaching use of it. This cannot be described here in detail, but the simple fact that those French bourgeois papers accused our comrades of having worsened France's military situation through their actions in those days perhaps already speaks clearly enough. Apart from that, it is now a fact that it was not France that declared war, but that war was declared on it, and we may read in the Yellow Book published by the French government how things looked at the time from the French side.³²

Now, certainly, establishing all these facts cannot yet provide an exhaustive answer to the question of how we should evaluate Germany's declaration of war and the conduct of German Social Democracy towards it. As to the latter, the French socialists admit this as well. As fateful an effect as

our vote of 4 August had, they still let the uncertainty about the situation at the time, and the fact that here Russia appeared to be the aggressor, count as a mitigating circumstance for this. But when German Social Democracy still stuck to this attitude when that unclarity no longer existed, and when, on top of that, yet more things had happened which in their—the French—view had to provoke the most resolute protest by every social democrat and internationalist, it excluded itself from the International and should therefore not have access to any conference of the International, as long as it did not abandon its stance.

How should we judge that? Undoubtedly, membership of the International imposes, besides more formal ones, certain *political* obligations as well, and I do not even have to say that it is my belief as well that, in this war, German Social Democracy *did not live up to* the political obligations that arose for it from membership of the International and the leading position that precisely it occupied within it. Where its parliamentary representation is concerned, it failed to do things which it would have been obligated to do and continued to approve war credits even when they could no longer be justified by appealing to the obligation to defend their fatherland. Except for a small sect, we social democrats all fundamentally acknowledge this obligation. But if it is interpreted in such a way that, in case of war, Social Democracy is now also obligated to grant the government *every* military means, whatever its responsibility for the war, its war measures, and its war aims might be, then Social Democracy would thereby have to renounce its great world-historical mission as a bearer of peace and fall far behind how even bourgeois liberalism behaved in these questions before it had eaten of the tree of modern imperialism.

The vote on war credits is not a criterion that determines a party's stance on the question of national defence, it is a criterion of its stance towards the *war policy* of the government that is at the helm. Hence, in 1870, when the character of the war changed for Germany in the eyes of Social Democracy after the Battle of Sedan, having approved the first war loan, not only Bebel and Liebknecht but also J. B. von Schweitzer, surely no anti-nationalist, as well as Wilhelm Hasenclever, Fritz Mende, and Fr. W. Fritzsche, refused the second their assent.³³

So if the French socialists accuse German Social Democracy of having been untrue to the obligations of a member of the International, then their indictment cannot be dispatched with phrases but instead at least has a claim to serious examination. With it, we are dealing with a *vital principle* of the International. It is a different question whether the French are

in the right and are acting correctly if they themselves, in a sense, immediately try to outlaw German Social Democracy—or rather its majority—internationally. They will perhaps say that they are not doing this at all but are rather indeed only refusing—in view of the facts outlined above—to take part in international socialist conferences that count representatives of the majority of German Social Democracy among their voting participants. But that, after all, is only a formal difference. In this case, their declaration has the effect of making impossible a gathering that, even if not immediately, could still in its further consequences be of very substantial significance for the great question before which the peoples of Europe stand.

The peoples—yes, I shall go further and say, even our rulers—need the International of the working class. They cannot do without the activity of forces which—let us say this again—do not have the commitments which the rulers have partly imposed on themselves through their declarations. All the world realises that today. One of the strongest, if not the strongest of these forces can be the Workers' International—and because it can be this, it must also want to be it. All of its members are obligated to try their hardest to allow it to appear again, as soon as possible, as the representative of the socialist masses of *all* participating countries. For only then can it fulfil its mission with sufficient *force* and through appropriately *organic* action.

NOTES

1. The U-boat Campaign was initially a naval strategy by Germany to target the trade routes of Allied countries and combat the Allied blockade of German ports, but turned into unrestricted submarine warfare in early 1915, which led to the sinking of the *RMS Lusitania* that catalysed the United States' entry into WWI.
2. Ernst Bassermann (1854–1917), German jurist and politician for the *Nationalliberale Partei* (NLP) and prominent exponent of annexationist foreign policy. Kuno Friedrich Viktor von Westarp (1864–1945), German jurist, civil servant, and politician for the *Deutschkonservative Partei* (DkP) and later the *Deutschnationale Volkspartei* (DNVP), and major supporter of unrestricted submarine warfare.
3. Dietrich Schäfer (1845–1929), German historian, ultranationalist opponent of Bethmann-Hollweg, and advocate of an annexationist *Siegfrieden*.
4. Alfred Peter Friedrich von Tirpitz (1849–1930), German admiral, Secretary of State for the Reich Naval Office, and later politician for the DNVP.

5. The *Sozialdemokratische Arbeitsgemeinschaft* (SAG), led by Hugo Haase, Georg Ledebour, and Wilhelm Dittmann, and including Bernstein, was a fraction of 18 Reichstag deputies who split off from the SPD during WWI after voting against war credits for the first time (and thereby breaking SPD *Fraktionszwang*) on 21 December 1915.
6. Theobald von Bethmann-Hollweg, "Reichstagsreden vom 5. und 6. Juni 1916", in Friedrich Thimme (ed.), *Bethmann-Hollwegs Kriegsreden* (Berlin: Deutsche Verlags-Anstalt, 1919), pp. 112–129.
7. The Quadruple Entente was the informal name given to the alliance opposing the Central Powers once Italy entered the war on the side of the three Entente countries in 1915.
8. Edward Price Bell (1869–1943), American journalist in Chicago, predominantly for the *Chicago Daily News*.
9. *Wolffs Telegraphisches Bureau* (WTB) was a news bureau founded by publisher and news magnate Bernhard Wolff in 1849.
10. Edward Price Bell, *A Free Europe: being an Interview with the Rt. Hon. Sir Edward Grey* (London: T. Fisher Unwin, 1916), p. 4.
11. *Ibid.*, p. 5.
12. *Ibid.*, p. 6.
13. *Ibid.*, p. 12.
14. Karl Henry von Wiegand (1874–1961), German-American journalist and war correspondent.
15. See Karl Henry von Wiegand, *Current Misconceptions about the War* (New York, NY: Fatherland Corp., 1915).
16. Pierre Renaudel (1871–1935), French veterinarian and politician, leader of the SFIO and later the short-lived *Parti socialiste de France-Union Jean Jaurès* (PSdF). Jean Longuet (1876–1938), French politician and important member of the SFIO, whose rejection of Lenin's appeal to join the Third International (Comintern) led to the split of the *Parti Communiste Français* from the SFIO in 1920.
17. [Ed. B.—In his speech of 9 November 1916, held in the Budget Committee of the Reichstag, Herr von Bethmann-Hollweg has now also spoken out in favour of the idea of expanding the law of peoples through a kind of league of states for preserving peace. Irrespective of which considerations he followed in this, this declaration was in any event a concession to the demand which precisely Germany had hitherto opposed brusquely and disapprovingly, and to that extent progress all the same. But the line of thought of his declaration is still far removed from the fundamental principles of a democratic League of Nations, which Social Democracy has raised as a goal in its programmatic announcements and must relentlessly promote].
18. Julius Motteler (1838–1907), German businessman, labour movement leader, close colleague of Bebel and Liebknecht, and politician for the SPD and its predecessors.

19. See August Bebel, "Eine Berichtigung in Sachen Motteler", *Neue Zeit* 26(1.2) (1908), pp. 77–78; Max Grünwald, "Julius Motteler zum Gedächtnis", *Neue Zeit* 26(1.1) (1908), pp. 1–4.
20. It is unclear who Bernstein is referring to here.
21. The *Neuer Social-Demokrat* was a thrice-weekly social-democratic newspaper and party organ of the *Allgemeiner deutscher Arbeiterverein* (ADAV), published between 1871 and 1876, while the *Volksstaat* was the equivalent publication for the *Sozialdemokratische Arbeiterpartei* (SDAP), published from 1869 to 1876. Both were folded into *Vorwärts* after the ADAV and SDAP unified into the SPD in 1876.
22. The *Reichsverband gegen die Sozialdemokratie* was an anti-socialist pressure group founded by conservative and Liberal Party members in 1904.
23. *Vorwärts*, "Prinzip und Organisation", 21 June 1916.
24. See, for instance, Rolf Parr, *"Zwei Seelen wohnen, ach! in meiner Brust": Strukturen und Funktionen der Mythisierung Bismarcks (1860–1918)* (Munich: Fink, 1992).
25. See, for instance, Wolfgang J. Mommsen, *Max Weber und die deutsche Politik, 1890–1920* (Tübingen: Mohr Siebeck, 2004 [1959]), p. 213.
26. [Ed. B.—*Leipziger Volkszeitung* of 30 June].
27. *Norddeutsche Allgemeine Zeitung*, "Zur Kriegslage", 7 July 1916.
28. Friedrich Schiller, *Wallenstein: Die Piccolomini*, V.1, Samuel Taylor Coleridge (tr.) (London: Dodo Press, 2007).
29. Germanicus, *Der springende Punkt* (Zurich, 1916).
30. [Ed. B.—vol. II, p. 167]. See also August Bebel, *Reminiscences*, Ernest Unterman (tr.) (London: The Socialist Literature Company, 1911 [1910]).
31. *Le Temps* was a broadly liberal French daily newspaper published between 1861 and 1942, and *Le Matin* was a daily newspaper published from 1883 that turned to the extreme far-right in the 1930s, became collaborationist under the Vichy regime, and was banned when France was liberated in 1944.
32. Max Beer, *"Das Regenbogen-Buch": Deutsches Weissbuch, österreichisch-ungarisches Rotbuch, englisches Blaubuch, französisches Gelbbuch, russisches Orangebuch, serbisches Blaubuch und belgisches Graubuch: Die europäischen Kriegsverhandlungen: Die maßgebenden Dokumente, chronologisch und sinngemäß zusammengestellt, übersetzt und erläutert* (Bern: Verlag Ferdinand Wyss, 1915).
33. Wilhelm Hasenclever (1837–1889), German leather tanner, journalist, author, and politician for the ADAV and later the SPD. Johann Baptist von Schweitzer (1833–1875), German socialist activist and dramatist, longest-serving president of the ADAV. Fritz Mende (1843–1879), German politician associated with a hardline Lassallean group that split from the ADAV. Friedrich Wilhelm Fritzsche (1825–1905), German-American trade unionist, lyricist, and politician for the ADAV.



Trade Policy and the Relations Between Peoples

If children fall out in an argument, we will regularly hear one say to the other: “I’m not playing with you again.” No adult takes that seriously; everyone knows that the little ones will already be playing merrily with each other the next day. Threats of a similar kind are being exchanged today between the great nations that are waging against one another the most murderous war that world history has ever had to record against. Only that it is not a matter of playing together in future but rather the future exchange of goods. The more people’s feelings are embittered towards one another by the increasingly brutal manner of war conduct, the louder become the voices—and the more they multiply—that in one country or alliance preach excluding the other from their own markets in future.

How realistic can we expect these announcements to be? Self-evidently, just as war itself is truly no child’s play, they must be evaluated quite differently to the threats of the little ones, however much they are spiritually related to them in their motivation. After all, they also show how much war lets primitive instincts win the upper hand in mankind, and they are testament to the fact that war in itself is already reaction in the worst sense of this word: that it calls forth a relapse in thinking and judgement to the cruder methods of earlier stages of development. But to what degree are they harbingers of a coming reaction in *practice*?

That is a very serious question. After all, it is very closely related—if not central—to the question of the entire future coexistence of the peoples of Europe. For, in the last analysis, the scope of the trade that peoples engage

in with each other in our age also determines the strength of their other mutual relations. Trade conflicts have repeatedly influenced the entire political and thereby also in the higher sense of the word the cultural relations between nations in the most damaging way. We ought only to remember the repercussions the Franco-Italian tariff war had in this respect on the relationship of the two Latin nations towards one another at the time. How much has Austria-Hungary's trade policy towards Serbia helped bring about an atmosphere between the Dual Monarchy and its small neighbour that offered, if not the final reason, then still the occasion for the terrible catastrophe that is raging over Europe at present. If it is fundamentally mistaken to reduce national antagonisms exclusively to economic causes and motivations—if questions of power, which have only a very indirect connection to economic oppositions, imperiousness [*Herrschaft*], religious disputes, and injured feelings of right can incite nation against nation and drive them to war—then for that reason it is still a fact that real opposition of economic interests, or opposition that is seen as real in peoples' perceptions, almost regularly translates into political partiality and, as the case may be, into hate.

That is why, in all countries, the parties of protectionism made up the majority of those who pursued war armaments. In many cases, there was an identity of material interests: the protectionist mining industrialists were at the same time commercially interested in advancing the progress of armament. In certain countries, parties interested in agricultural tariffs make up the majority of the military, who are interested in the continued increase of the army's strength. But the close relationship between the ideologies of war and protectionism is significant and also of great influence on the judgement of the circles who are materially uninterested in war and armaments. Where it is not simply a means of eliminating local barriers to intercourse by establishing customs duties that are only levied at a country's borders, and is only designed to foster still-nascent industries, the protective tariff is inspired by the idea of a permanent opposition between nations' economic interests. The protectionist literature of the present is always nationalist campaign literature; it exaggerates the oppositions between nations' interests and downplays or even simply conceals the commonality of interests that exists between them. It treats countries like private competitors, where one's gain is the other's loss, and latent enmity is their natural relationship. Protectionist policy has tariff war lurking in the background, and a tariff war can always change into an all-out war. In Germany, the reference of the protectionist press to

the conflicts which the imminent need to renew trade treaties brought with it greatly helped create the tense mood which the warmongers needed in summer 1914. This spiritual kinship can be traced even into the socialist movement. Speaking only of Germany, we can see the same socialist monthly which, years before the war, rooted systematically for protectionist policy, today vying with its sworn advocates, after the world war has broken out. And just as protectionism works for war, war works for protectionism. Politicians who before the war still fought energetically against the latter are beginning, since they have changed their views about the war, also to change their views about trade policy, and are preparing to swivel into the protectionist camp.

If we now turn towards the political tendency of free trade, its close association with the pacifist movement is too well known that we should still have to linger over it. However, there are so many skewed judgements in circulation about it that some observations about the true relationship seem unavoidable.

Namely, people like to refer to the fact that precisely England, the country of free trade, has waged more wars than countries that have not accepted free trade. And if they do not go so far themselves as to construct a causal connection for this, and to make free trade responsible for those wars, they still use this fact as a means of deducing that free trade is incapable of eradicating wars. However, this reasoning is no more conclusive than the famous attempt to refute the healing power of a treatment for chest pain by the fact that one young man who used it afterwards failed his examinations.

First of all, the wars that England waged since it transitioned to free trade in the middle of the nineteenth century were not outgrowths of its trade policy but products of a colonial and global policy which the party of free trade constantly opposed. The only European war that England waged from then until the outbreak of the current war, the Crimean War against Russia, was opposed most decidedly by the great advocates of free trade, like Bright, Cobden, and their like-minded friends; these people risked their entire popularity and gave up their parliamentary seats rather than approving even a single penny for that war.¹ Naturally, we must distinguish between free-traders out of conviction and free-traders out of mere temporary expediency. The victory of free trade in England was brought about around the middle of the nineteenth century when Robert Peel and his followers, after they had assented to the abolition of corn tariffs in 1846, initially for reasons of expediency, were then compelled to

make further concessions to the doctrine of free trade by the law of consequences, without therefore already accepting this itself in its full scope.² Also, the England that entered into free trade at that time was afflicted with the inheritance of an epoch of mercantilist trade and colonial policy, and the liquidation of this inheritance was no very simple matter that could be settled in one day. So it is no wonder that the practice of free trade in the economic domain did not immediately bring in a political accompaniment that is consequent in every respect. It could do so even less when the individual state was not any freer compared to the states beside it than the individual person compared to the people in his environment: both can only raise themselves above the others in their behaviour in certain relations. With all that, the Crimean War, which after all was anything but a war dictated by trade considerations, remained until 1914 the only war England waged against a European state. At most, we could also include the Boer War, which, even if it was not against a European state, still affected a people of European descent. But for this war, on the English side, a politician was responsible, Joseph Chamberlain, who already represented the turn away from free trade, just as that war altogether falls within a period of reinvigorated protectionism.³ When in England in 1906 the party of protectionist imperialism was defeated, the party of free trade that came to power again made good the wrong that had been done to the Boers and gave them back the full rights of a self-governing nation.⁴ With what effect for England's position in South Africa, recent time has shown.

Free trade as the bearer of a political tendency may confidently submit itself to examination by the principle of "by their fruits ye shall know them", just as soon as this examination is undertaken reasonably.⁵ That means that, with it, we must differentiate between the workings of a tendency and its practical successes and take into account when estimating the latter the strength of the opposing forces to be overcome. Free trade is no magic formula that makes barred iron doors spring open with one blow. It is a social force that works through example and through the tenacity with which it is applied.

A country's grand strategy is determined by the interplay of a whole series of forces whose reciprocal relationship of strength changes with the power of various societal classes and under the influence of external circumstances. So we cannot make a single force responsible for its transformations. But what we can do in respect of each individual force and should do as politicians is to follow their particular workings and functionings in

this interplay of forces. For free trade as a political force, this is possible only by studying the history of free-trade parties. But this shows us that these parties are parties of peace everywhere and in fact are all the more energetic and consequent champions of pacifist policy the firmer and more consistent the application with which they uphold the policy of free trade. A parallel that is only the natural result of the fact that pacifist policy is a *necessary* tendency within free trade. Whoever wishes to tear down tariff barriers between nations must also fight against inequalities in the rights of states and peoples, which give occasion for wars and shape them favourably for the victor. Where there are no tariff barriers, the aspiration to annex parts of foreign countries loses its traction among the people, unless it is a question of liberating oppressed fellow members of one's own people [*Volksgenossen*].

In his famous speech on free trade, held on 9 January 1849 in Brussels, Karl Marx scornfully quotes the cry of one English free-trader: "Free trade is Jesus Christ—Jesus Christ is free trade."⁶ The exaggeration of this cry is obvious, but there was still a grain of truth in it. The people for whom free trade was more than a temporary interest of English manufacturers—people for whom it represented a permanent principle of the politics of peoples [*Völkerpolitik*]⁷—imagined a condition of harmonious relations between nations as the ideal it should realise, and this ideal corresponded to the religion of "go you into all the world and preach the gospel."⁷ But free trade alone was not enough to bring about harmony between peoples, since it left untouched the great class antagonism between the propertied classes and the modern proletariat, and Marx shows this very strikingly in his speech. But otherwise, his speech judges the free-trade movement too strongly, in light of his time, as an interest movement of manufacturers and their followers for it still to be authoritative in all its observations today as well. When Friedrich Engels published it again in 1884, he also remarked thoughtfully in its preface that it belonged "to the same stage of development of its author as his *The Poverty of Philosophy*,"⁸ a clear indication that it is not to be regarded as his last word on this matter.

If the free-trade movement in England in the first half of the nineteenth century was overwhelmingly led by manufacturers and wholesalers, and most of its influential representatives were at the same time advocates of the doctrine of social-political *laissez-faire*, this temporary convergence could at that time allow it to appear as a matter that substantially merely concerned the bourgeoisie. But this is only right to the extent that free trade is not a specific interest of the working class. As an economic policy

measure, it is by no means the interest of a single societal class, and it can only lie temporarily more in the interest of individual classes than that of others, and can injure the particular interest of certain classes, and can be indifferent for others. But it is precisely not just an economic policy measure. It is a guideline for the politics of peoples and, as such, reaches far beyond the interest of individual classes. It aims to steadily multiply the trade relations between nations, to let ever closer associations develop between one people and another, to arrange the international division of labour ever more organically—and through all that it is necessarily a peaceful policy. It can also be attributed to this inner connection that, as regards its number of members and the strength with which it asserts its ideas, the peace movement has found in no country such strong representation on the bourgeois side as in England, which first implemented free trade within itself. Those parliamentarians in England today who still speak the language of peace with a fearlessness unknown on the Continent during the present war—like W. P. Byles, Leonard Courtney (now Lord Courtney), Robert Reid (now Lord Loreburn), and so on—are outstanding spokesmen of the English free-trade party.⁹

It might seem an internal contradiction that England, which after all has had free trade for six decades, should even need a free-trade *party* at all in recent times. However, at various times, a counter-movement has raised its head there in the most varied guises, against which free trade had to be defended. So, in the 1880s, as a result of the United States and various Continental states in Europe raising tariffs, as well as the great commercial pressure that weighed on England at that time, a shameful protectionist movement made itself quite strongly apparent in the form of a movement for “fair trade” [*gerechter Handel*]. At that time—1887—a statement is supposed to have appeared in the conservative *Saturday Review*, to the effect that it was “an undisputed truth that if Germany did not exist, every Englishman would be richer by so and so much”, which even German authors who want to be taken seriously follow one another in describing as signifying the English spirit.¹⁰ The *Saturday Review*, which once had political clout at the time of Disraeli-Beaconsfield, has long since lost it. But all the same, in 1887 it was still a paper that was not edited by idiots, and it is hence more than doubtful whether the statement was really there as an editorial comment or whether it was not merely taken from one of the submissions to which the English political weeklies fairly broadmindedly open their columns. At any rate, it could only stem from the brain of a person whom the quite wild demonstrations by the

unemployed of 1887 in Trafalgar Square, in which shops were repeatedly demolished and ultimately plundering took place as well, had robbed of his reason.¹¹ Certainly, the fair trade movement fell through, and after a pause of several years the movement for a British Empire customs union took its place, again also a shameful protectionist movement, for England could only create a customs union with its autonomous colonies if it decided to introduce tariffs itself. But this time, the agitation was conducted with such great effort, with pamphlets of such gripping argumentation, that the victory of the political coalition which championed it did not lie outside the realm of possibility. However, this coalition suffered a disastrous defeat at the elections of the year 1906 because the organised working class of England unanimously took a stance against it.¹² The Liberal Party, which had taken up the cause of retaining free trade, returned to power with a crushing majority, and one of the first measures of the new Campbell-Bannerman Cabinet was, famously, the reduction of the naval budget by about 2 million pounds sterling, whereby they hoped to lead in an era of restricting world armament. Although this was not achieved, some years later the Liberal government implemented Lloyd George's tax reform amid great struggles against the resistance of the House of Lords, which, *inter alia*, pursued the purpose of closing the door to protectionism once and for all. But a tragic irony of fate willed it that under precisely this government, in August 1914, England entered the world war unleashed by the protectionist Continent, which over its course has led to such a high degree of embitterment between the two camps that it now really threatens to prove itself the foster father of protectionism.

In both camps, we seriously encounter preparations to let the war with weapons—which, after all, must come to an end someday—be followed by a tariff war that is to be extended indefinitely. While in Germany and Austria conferences after conferences take place about creating a Central European customs union, which Bulgaria and Turkey would have to join, the powers of the so-called Quadruple Entente are poised to sign an accord—and perhaps will already have done so when this appears in print—whereby each one of them obligates themselves not to conclude a trade treaty with the Central Powers without the previous assent of the others. Since two powers of the former group—Russia and France—are decidedly protectionist, this would already push England onto the path of protectionism. But in England itself, the movement for protectionism has uncommonly gained strength. Not out of economic considerations, but instead—we must say in this case—in contradiction to all reasonable economic considerations. The

need for competition is not the driving force this time, since England's exports had enjoyed a brilliant increase in the last decade before the outbreak of war, but rather the vehemence of the idea—which has become a conviction in people's minds—that, even after the end of the war, friendly exchange of goods with Germany especially will be impossible for years. Hence, at the forefront of the movement lies the aspiration to make England independent of Germany at any cost with regard to certain articles in which Germany, thanks to the high stage of development of its relevant industries, had a kind of monopoly. Hence also the serious mooted of the plan to impose a direct import ban on certain goods of German origin after the war as well.

It is beyond the scope of this article to discuss the economic effects which realising this and similar plans would have as a result. Here, we have to do only with its effects on the political and general cultural relations between peoples. That they can only be extraordinarily pernicious in this respect is without doubt. They would endlessly complicate and delay the process of moral healing that would have to set in after the end of the war. They would mean prolonging the war in latent form and would be conceived in wide sections of the public as the transitional stage towards some new war and in every group continue the work of poisoning people's souls towards the peoples of the other coalition. They would lay inhibitions of all kinds in the way of even representatives of the sciences, arts, and literature resuming international intercourse, which had reached such a high flowering before the outbreak of war. They would breathe new life into objects that had partly disappeared from the world before the war and partly sunk into insignificance.

All those who behold in the intimate intercourse between peoples, one of the most important levers for civilisational progress must hence raise their warning voice against the plans described above. They may not allow themselves to be deceived by hypocritical depictions of the advantages which those plans should allegedly have as their result and must inform the circles they have access to that, in the best case, such advantages could accrue to a small minority of fortuitously situated classes, while by contrast the majority of the people on both sides would have to expect from them only material and cultural harm.

We should lose no time in calling into being a counter-movement against those plans, but it is also not yet too late for this. For all the resolutions that are now being drafted in their favour ultimately have only provisional significance. The decisive final word will only be spoken at the

peace negotiations. As regrettable as it is under all other points of view that these will still be a while in coming, it is advantageous for the question lying before us if time still remains to enlighten people's minds about its import.

May we use this time well and, above all, may we impress on our own people on each side that any deviation by one group from the principle of equal exchange among nations inevitably always has an equivalent deviation by the other group as a consequence, and that for a long time to come, trade policy is of fundamental significance for the entire relations of peoples to one another.

NOTES

1. John Bright (1811–1889), British Radical and Liberal politician, Quaker, and proponent of free-trade policies. Richard Cobden (1804–1865), British manufacturer, Radical and Liberal politician, leading figure in the Anti-Corn Law League, and supporter of free trade.
2. The Corn Laws were mercantilist policies of import tariffs and quotas on food and grain, enforced in Britain between 1815 and 1846, which raised the profits and power of landowners at the cost of higher food prices and living costs for the rest of the population, and were finally repealed by Peelite Conservatives and Whigs.
3. Joseph Chamberlain (1836–1914), British politician, initially a radical Liberal then (due to his opposition to Irish Home Rule) a Liberal Unionist and advocate for imperialism in coalition with the Conservatives.
4. The 1899–1902 (Second) Boer War was fought between the British Empire and guerrilla militias of the Republic of Transvaal and Orange Free State over the Empire's influence in South Africa.
5. Matthew 7:15–20.
6. Marx, "On the Question of Free Trade", in Marx and Engels, *Collected Works, vol.6: Marx and Engels 1845–1848* (London: Lawrence & Wishart, 1976).
7. Mark 16:15.
8. Friedrich Engels, "Marx and Rodbertus", in Marx and Engels, *Collected Works, vol.26: Engels 1882–1889* (London: Lawrence & Wishart, 1990), pp. 278–291.
9. William Pollard Byles (1839–1917), British newspaper owner, pacifist, and Liberal politician. Leonard Henry Courtney, Lord Courtney (1832–1918), British academic and Liberal politician. Robert Threshie Reid, Lord Loreburn (1846–1923), British lawyer, judge, and radical Liberal politician, who served as Lord Chancellor between 1905 and 1912.

10. The *Saturday Review* advocated an explicit policy of *Germania est. delenda*. See, for instance, Donald R. Kelley, *Frontiers of History: Historical Inquiry in the Twentieth Century* (New Haven, CT: Yale University Press, 2006), p. 50.
11. These were the “Bloody Sunday” riots on 13 November 1887, which took place when a march against unemployment and coercion in Ireland was attacked by police and British troops.
12. The 1906 “Liberal landslide”, where the Liberals under Henry Campbell-Bannerman more than doubled their seats at the cost of heavy losses for Arthur Balfour’s Conservative-Liberal Unionist coalition, ranks alongside the 1931, 1945, 1983, and 1997 elections as one of the greatest landslide victories in British parliamentary history.



The Coming Europe

I THE PREVIOUS CONDITION OF THE ECONOMY AND INTERCOURSE

For anyone who thinks about the end of this war and does not restrict himself to considering possible changes in borders and control, which the mere success of arms can have as a result, one of the main questions which he has to clarify in his mind is how should and how can Europe, seen as a whole, emerge from this war?

This question is not exhausted by border and control changes, nor is it determined by them alone. We have now, at the start of the third year of war, generally retreated somewhat from the wild fantasies which at various times during the two years of war that lie behind us—depending on the shape that things took or seemed to take in the theatres of war—broad swathes of the public in the one camp or the other got into raptures over in this respect. However, all the same, it is still not quite impossible that the end of the war may bring about shifts in borders and changes in power relations of substantial significance. And nobody who knows history at all well can delude themselves that these more external changes would then, depending on their character, have more or less deeply invasive effects on the entire domain of relations between peoples which, in contrast to the domain of power politics, we can call altogether the domain of *the politics of intercourse* [*das verkehrspolitische Gebiet*].

It has proved to be a fateful misapprehension that the policy of states and peoples in our enlightened times is determined with constantly

increasing efficacy by material interest, properly understood. What is correct about this is only that certain material interests of outstanding significance for a state or a nation force themselves into the foreground again and again as policy goals, so long as they have not been passably satisfied. So long as world intercourse and conditions of intercourse do not undergo a total revolution from the ground up, Russia's striving for control over the straits between the Black Sea and the Mediterranean and England's striving for superiority on the world seas and securing the shortest sea routes to India will not be ousted permanently by any political combination as the guiding thread for the policy of these states. But there are only a few such questions of interest that have become a governmental tradition, and even with respect to them, actual interest is mostly much lower than how it is perceived.

Nations' material interest towards foreign countries cannot be determined according to an absolute formula that stays the same forever. Too many factors that are subject to change come into consideration. The geographic situation, climate, soil conditions, and waterways are more or less stable factors, but the level of production changes, and with it the mutual relationship of production groups, and the division of population classes according to types of occupation, social significance, and social power. The public's judgement about what the nation's most important external interest is typically orients itself according to the opinion that prevails about it among the socially powerful classes of the nation, and it is curious how easily it becomes shared by classes whose interest is, in general, opposed to theirs. But it does not in any way always correspond to the real material external interest of the *nation*. This is instead determined by the interest of the classes that are *most important* for its national economy, which however are not in every case already the *most socially powerful* classes. The distribution of power in society and the distribution of its economic functions take place according to various laws. There is a tendency to bring the former into a balanced relationship with the latter, but this only asserts itself irregularly, since power relations mostly change much more slowly than economic functions. Sieyès' famous saying "What is the Third Estate? Nothing. What should it be? Everything!" applies in all countries at various times in changing formulations.

The political picture of the nation looks different from its economic-structure everywhere, even if the degree of difference is not the same everywhere, but rather decreases as democratic institutions develop. And just as with the relationship between political power and social signifi-

cance, the same is true, given our question of the relations between peoples, regarding the relationships between political *ideology* and social *need*: a nation's ideology changes much more slowly than its economic-social organism and its general culture. Just as in a nation's stories and songs, the past lives on much longer emotionally in its political thinking than in its real living conditions as well. "The tradition of all dead generations weighs like a nightmare on the brains of the living", Marx writes in *The Eighteenth Brumaire of Louis Napoleon*.¹ He illustrates this phrase by showing how the intellectual world of great political revolutions incorporates pictures of the past, where it leads to many seemingly comical guises. But if a war brings a nation into a feverish state, then the influence of the past on people's thinking easily becomes a cause of truly tragic developments. Through war, peoples become barbarians for one another in every sense of the word.

How this makes itself known in war conduct itself shall not be discussed in relation to this. It is undisputed that, the longer a war lasts, the more characteristics it takes on that lead back ever further into the history of past wars and let their effects become a new reality. Translated into peaceful relations, being barbarians for one another means having no relations with one another. And we see how the progress of this war has allowed the intention to have nothing to do with one another anymore as far as possible even after the war to grow ever stronger among the belligerent nations. This would only be increased even more for the nation or coalition disadvantaged by every border change that does not simply mean fulfilling the wish for freedom of the population of the territory in question, and every peace condition that justified a kind of domination relationship of one coalition over the other would have the same effect.

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Hence, the question is to what degree the coming Europe risks being barbarised by the war in this sense. We know what a high level international intercourse had reached in the last decades before the war. Where the *traffic in goods* is concerned, in the 20 years from 1893 to 1913, even Germany's specific trade with the five largest European countries, with which it is now at war, had risen in value from 2885 to 7500 million marks. With the following countries, the value of Germany's external trade in millions of marks was:

	<i>Imports</i>		<i>Exports</i>	
	1893	1913	1893	1913
Belgium	189.9	344.4	147.8	551.0
France	241.4	583.2	203.1	789.9
Great Britain without colonies	656.4	875.9	673.3	1438.2
Italy	149.7	317.6	85.4	393.4
Russia with Finland	353.4	1469.8	184.6	977.7
Total	1590.8	3590.9	1294.2	4150.2

The external trade of these countries among one another and German trade, as well as theirs, with other countries shows a similarly large increase. In some cases it was relatively smaller, in others relatively bigger than here, but everywhere the increase in goods exchange with the external world was very significant.

The figures for the development of international *passenger traffic* are more difficult to obtain than those of goods traffic, and for it we have to rely more on indicative figures. However, whatever we may choose for these—the figures for the increase in transport routes and means of transport, those for the increase of correspondence, and so on—show no less of an increase of people's personal and communications traffic itself than the exchange of products has experienced.

The statistics for *international congresses*, which we may describe as the sublimate of the general international intercourse of persons, provides one reference point for the increase of international personal intercourse among civilised humanity. According to Alfred Fried's *Handbook of the Peace Movement*, second edition, there took place in the decades:

1871–1880	150 international congresses
1881–1890	295 international congresses
1891–1900	645 international congresses
1901–1910	790 international congresses

To fully illustrate the size of the increase, however, we would have to add to the number of congresses also the number of *participants* per congress, for it is beyond all doubt that this too went up from year to year. There is hardly a branch of intellectual research and practical activity in the

more important domains addressing public law, healthcare, social policy, or education, whose representatives would not, besides the much greater number of organs of written exchange of ideas beyond national borders, have created these for regular international gatherings as well. But Europe provided the great majority of participants, of which Germany, along with the countries listed here, and its ally Austria-Hungary, together comprise more than seven-eighths of the population.

For personal intercourse, in part, different aspects are decisive than for goods traffic. Many people visit foreign countries for reasons that have little to do with commercial intentions. Nonetheless, there is a strong reciprocal relationship between the two categories of intercourse: one pulls the other after it to a certain proportional degree, regardless of whether the movement goes forwards or backwards, for reasons that need no closer justification: between countries that have strong goods exchange, passenger traffic also increases, and *vice versa*. From a decrease in goods exchange between the countries of the current Quadruple Alliance and those of the so-called Entente, we can expect a corresponding decrease in passenger traffic with ever greater probability as the war, the longer it lasts, causes all the more embitterment from nation against nation.

2 TRADE WAR AFTER THE WAR

We have now in both camps strong movements which favour depressing goods exchange with countries on the other side to the minimum possible level after the end of the war—or rather, after the war interrupted it entirely while it lasted, not letting it return again to its previous level for the foreseeable future. This movement is strongest in the countries of the Entente and has led there to the Paris Conference between their governments on 18 March 1916, at which certain resolutions were already drawn up that in fact, if they were kept to and strictly implemented, would inflict deep wounds on the trade traffic of the Entente nations with Germany and Austria-Hungary hitherto.² According to them, the Entente states obligate themselves:

1. for a certain number of years, which shall be calculated according to the demands of economic reconstruction, not to allow the Quadruple Alliance states the same *most-favoured-nation* status as they assure one another;
2. during this time to compensate one another for damages that should emerge for individual countries from these restrictions through *favourable provisions* regarding the enjoyment of their market;

3. to *reserve* for one another during this time, through favourable provisions and trade facilitations, access to the *natural* resources they have at their disposal;
4. for a certain time to prevent any dumping or otherwise disloyal competition by the Quadruple Alliance countries through *bans* or *particular ordinances*, and likewise to impose certain *special provisions* on the *ships* of those countries;
5. to *bar* citizens of the Quadruple Alliance states from practising certain *jobs* and operating certain *industries* which serve for *national defence* or are of significance for the economic *independence* of the country.

It is obvious that realising this programme would lead to corresponding counter-measures from the countries against which they are directed, and we can hardly imagine a deeper rupture of the coexistence of the people of Europe hitherto than would have to result from these trade and economic policy measures. They would mean nothing other than *continuing the war* by bloodless means, or rather prolonging the condition of hostility for an uncertain duration, but one that would last for many years. And that, on the other hand, realising a customs union with an exclusive and power-political tendency, comprising Germany, Austria-Hungary, Bulgaria, and Turkey—which is often advocated in Germany and was developed in a moderate form by Friedrich Naumann in his work *Central Europe*—would have the same effect also does not require particular discussion.³ Among others, Karl Kautsky has proved this in the clearest way in articles in *Neue Zeit* about Naumann's book and related ideas.⁴ Special trade-political alliances [*Handelspolitische Sonderbünde*] lend themselves at all times to calling forth mistrust and counter-alliances. But this time they would entail these necessarily.

It would be a fateful self-deception to ignore the danger of this effect of the war or to underestimate it too much. The experiences made in earlier wars should not belie the seriousness of the matter. In an essay about Hungary in a world trade war in the magazine *Das junge Europa*, Dr Aladár von Návay, who for a long time was the Hungarian trade ministry's expert technical reporter in France, gives some figures from France's trade statistics that are supposed to prove that the war of 1870 only had a weakly significant and not very long-lasting influence on German-French trade relations.⁵ But his numbers stand in strong contradiction with one another. On page 16 he gives a table according to which the annual average value of France's imports from Germany is meant to have come to

From 1857 to 1866	525 million francs
From 1867 to 1876	748 million francs
From 1877 to 1886	902 million francs

According to this, that war would not in fact have seriously impacted the trade relations between the two countries. However, the next table gives Navay's figures for France's annual imports from Germany in three years of the decade listed last in the first table, which shows that the relevant number there simply cannot be correct.

The value of France's imports from Germany was, according to this second table:

1877	432 million francs
1880	396 million francs
1886	350 million francs

If the first table is not simply incorrect, then we must assume that at least its last figure rests on a printing error and should read **402** million. Only that can actually have been the average in that decade. And then the decline against the preceding decade would have been quite significant indeed.

However, it is hardly worth reviewing the matter, for how different was the state of affairs after the war of 1870–1871 from the situation today! As deeply as that war affected French national sentiment, it still did not lend itself to bringing about a deep-seated hatred of people against people. It was a war that, at least formally, a regime had declared which the French had removed, and that it ended with the forcible removal of two provinces that had declared through their representatives that they wished to stay part of France was to be charged in the eyes of the French mainly to the leaders of German politics, Bismarck, and the high Prussian military. The war had roused the passions of the moment—it had left behind the demand for reconstruction, but it had not sunk into people's hearts the conviction that the one nation wished to crush the other until it was unable to resist, in order to make itself the master of Europe. The entire political picture of Europe was different from today, the spirit of the German citizenry was different, and how much the opinions of Germany's ruling classes about the relations between peoples differed from the opinion prevailing among them today is already indicated by the fact that, at the conclusion of peace, the victorious Germany made the acceptance of a *mutual most-favoured-nation* clause a condition in the peace treaty. After all, that was still the era of the development of free trade, which had one of its most decided supports quite particularly among the landed gentry

east of the Elbe. But under the influence of this trade policy, after the first heat and arousal of war had flown away, trade traffic could in fact gradually develop again and become established between Germany and France, in the wake of which the spiritual relations from people to people also had to improve, despite some interruptions caused by political conflicts.

But how different things are today. This time, the war was not declared by France. Under the pressure of French Social Democracy, on the contrary, the government of the Republic hesitated in the fateful August days of 1914 to meet the alliance obligation that it had to fulfil towards Russia immediately, after that had war declared on it by Germany, and waited until Germany also declared war on it too. That then Germany with the greatest part of its armed forces, instead of throwing them at Russia, invaded Belgium and France to smash the latter into oblivion, as German military authors and politicians explained, the great majority of the French can get over no more than they will so easily forget certain maxims of German war conduct, and the way in which control is exercised on the German side in the occupied French territories. When afterwards France was variously told that, on the German side, they pitied poor France for being mistreated by England, this did not improve their mood in the slightest, but rather worsened it even more. For firstly, the French view the origin and tendencies of this war quite differently than the Germans do, and secondly, this nation, which is proud of its history and seeks to maintain its status among civilised peoples with the greatest sacrifices, does not wish to be pitied like this for all the world. The longer the war lasts than the one of 1870–1871, the deeper this thorn drives into the soul of the French people—especially since all the circumstances that were able to work to reconcile them then have fallen away this time. With the annexation of Alsace-Lorraine, on the German side, ideology played a greater role among the people than interest, since they believed that they were exacting atonement for a historical wrong and returning to their nation brothers who had been detained by force. If the premise was incorrect, then still an idea of right prevailed within it, which sooner or later objectively thinking Frenchmen also had to acknowledge as a mitigating circumstance. But then, we must not forget how far the attitude that German Social Democracy adopted in 1870–1871—represented by Bebel and Liebknecht—and this party's significant growth had a mediating effect on the democratic elements in France, and what a loss it is for the restoration of tolerable relations between Germany and France that the belief in the international mindset of German Social Democracy has been

shaken to its innermost depths by this war. Just as the present war began as a war of power and has, over its course, brought to light all manner of intentions of conquest, it has also, like mildew, had repercussions on the intellectual currents whose bearers saw in international democratic law the strongest political means for interconnecting nations.

Herr von Návay, to return to him, ultimately provides a third table that is supposed to show that ideas of revenge and trade relations do not go in parallel.

Let us take a look at them. France's imports in millions of francs came to:

	1895	1900	1907	1912
Total	4919	5988	7874	10,293
From Germany	388	517	757	1133
From England	626	834	1106	1260
From Russia	244	315	381	550
From Austria-Hungary	76.3	92.3	84	110.6

So while over 17 years, France's total imports and its imports from England approximately doubled, by contrast, in the same timeframe, its imports from Germany had nearly tripled. According to Návay, these figures show that France's commercial world had let revenge be revenge and had done ever more business with Germany. Very well. But after 1870–1871, 25 more years elapsed before German-French trade experienced a considerable upswing. In 1895, it is still around 8 million *behind* compared with 1880 and around 44 million compared with 1877. That does not give us reason for particular optimism regarding the development that lies before us. Návay stresses emphatically that France's imports from Germany in the year 1912 only lay around 10 per cent below those from England, when “the flame of revenge already blazed fiercely and altars had already been raised to the *Entente cordiale*”. But the blazing flame of revenge existed in 1912 more in the imagination of certain political circles than in the sentiment of the broad mass of the people in France, and so far as some of it had been realised, it influenced the emotional thinking of the broad mass of the French quite differently than the flame of outrage that glimmered in the first two decades after 1871 in France. The satisfaction about the Entente did not, however, need to impact France's trade with Germany. In the same 17 years since 1895, despite political frictions between England and Germany, the latter's exports to

Great Britain have more than doubled; from the year the Entente was concluded (1904) up to the last year before the war (1913), it rose in value from 995 to 1437 million marks. The link between the Anglo-French *Entente cordiale* and the outcome of the war of 1870–1871 was only a very contingent one. The Entente was a state-political act, which may well have brought the peoples of the Entente countries themselves into friendlier relations with one another, but left unchanged their relations with other peoples. The Frenchman, who perhaps gleaned hopes of regaining Alsace-Lorraine from the fact that the Entente had been concluded, did not yet need for that reason to nourish any hatred against the Germans as a nation in themselves and could judge the German as a businessman exclusively on the basis of his individual characteristics and commercial preferences, and likewise the Englishman who was politically upset by Germany's continued growth in armaments at sea.⁶

The sentiments that this war has kindled in people's minds are of quite another kind. They are far less fateful for state politics [*Staatenpolitik*] than directly for the politics of peoples [*Völkerpolitik*][—]or rather, they are fateful for the former only through the latter. They exist and will have effects on people's spirits even if no border marker is moved, save that unjust, that is, purely forcible territorial changes based simply on the right of the strongest will have as a result *even* stronger, *even* more profound, *even* longer-lasting estrangements. Even where hatred does not enter in or endure, deep mistrust will still find a home, whose effect on the possibilities of intercourse is often no different than that of hate. Deep mistrust will, for the reasons mentioned above, pervade the feelings of the French towards Germany and the Germans, but it will also be the prevailing tone in the sentiment among the English towards them as well. In general, the Englishman is not resentful, and conflict especially is something that, for him, is finished when the combatants have stopped turning on one another. That was also what Mr Lloyd George had in mind when, in his much-discussed interview with the representative of the *United Press of America* on 28 September of this year (1916), he said that the British soldier had “enlisted in this war in the sporting spirit”.⁷ That does not mean as a game of chase or the like, but rather as a matter that is fought out according to the rules of the game, at the top of which stand the words: *fair play*. But in the eyes of the English, all the rules that they associate with that concept have been grossly infringed on the part of the Germans. When, in accordance with the custom that generally prevailed in England, the first English prisoners offered a hand to their conquerors,

they were, as German papers reported with satisfaction at the time, bluntly spurned by them for their apparent impertinence. We can hardly imagine what sentiments these reports had to provoke in England. Kicking someone when they are down is an action for which you are lynched by the English people—so far does it go against their concepts of right. Likewise, the Englishman will never grasp that in Germany people saw it as a moral offence, for which the whole nation had to atone, that England stood by its allies, like Germany did for Austria-Hungary. Disproportionately more Germans had their livelihoods in England than conversely Englishmen in Germany, and the majority of them were still able to do business undisturbed for a long time even after war was declared, until the continued sinking of passenger ships and the suspicion that a considerable percentage of those Germans was engaged in espionage made the mood turn.

I do not believe that I need to deal extensively here with the prevailing sentiments in Germany towards England and the English people. Perhaps the hatred in this country is less deep than it is loud, just as in general moderation in language does not belong to the traits by which the spokesmen of German public opinion have distinguished themselves in this war. And if we hate the French less or even want to get on with them out of enmity towards the English, then, as remarked above, this kind of favouritism does not find the resonance on the other side of the Vosges that would be necessary to restore friendly relations between our two peoples.

3 WAR AS A DIVERSION OF EXTERNAL TRADE

It is hence impossible to be mistaken about the fact that the lasting sentiments this war has caused would already be enough on their own to inflict deep wounds on trade traffic between the peoples of the main countries involved, even without any tariff laws imposing restrictions on it. But in addition to that there are also the partly quite significant transformations of economic relations that have already taken place over the course of the war, which will become consolidated all the more the longer the war drags on. In Germany, which is cut off from overseas trade by the English blockade, this affects more *primary production*, and in the countries of the Entente the industries of *processing metals and ores*, as well as the *chemical industry*. The war has here, in actual fact, had a revolutionary effect to various degrees. Some specific products of these industries, in which, until the outbreak of war, Germany had a kind of monopoly in England and

France, are now partly produced in these countries themselves, partly imported there from America or Japan, and the tremendous need for guns and munition of all kinds has led in both countries to the reshaping of the character and scope of a great number of commercial enterprises and thus given them a new direction. If, with that, in England it was more a matter of shifts within industry itself, then in France it was more of a process of lifting industry in comparison to agriculture. In Russia too, the war has had an industrialising effect to a high degree, and a much greater part of the army's requirements than we initially assumed is now produced there in the country itself. The railway network too has been expanded further during the war—just as, in general, the war, however much of a devastating effect it has had on the one hand, has still neutralised part of this devastation by giving the impetus for awakening previously fallow productive forces. So far, we lack the statistical documents to estimate the relationship of devastation and replacement. We are in the middle of this process, and thus we cannot overview its scale—we can only establish that it is happening and seek to recognise its tendencies.

These seem in Germany to amount to *strengthening the position of agriculture relative to industry*. In the first instance, the war has greatly strengthened the former financially. The rapid rise in the prices of the most important foodstuffs directed a stream of finance into the coffers of the agriculturalists, the size of which we gain some sense of if we consult the figures for harvest yields in the German Reich in the statistics, and calculate what sums each price rise amounts to. Thus, in Germany, rye production runs to around 10 million tonnes. Each mark of raised prices per 100 kilogrammes means 100 million marks more income for the agriculturalists or, rather, wholesalers. Over 40 million tonnes of potatoes are harvested in Germany. If we deduct from that 15 million tonnes produced for their own consumption, for seeding, and for the technical purposes of agriculture itself (distilleries), 25 million tonnes are left over for selling on. A price rise of only one *pfennig* per pound yields half a billion marks for the producers and their agents. But potato prices have risen by several *pfennigs*. Not quite such great quantities come into question with other agricultural products, but with many of them the price rise was all the greater for that. The blockade has granted agriculture a monopoly position in Germany. To ensure that production is not neglected, the authorities, where they set maximum prices for foodstuffs, always deliberately set them so high that they could serve as an incentive to keep production at the highest possible level.

Decency prevents me from writing down the sum by which, in my estimation, the class of agriculturalists has become richer, but I do not believe that I will meet with any objections from nonpartisan experts if I say that it must amount to several billion.

In industry, admittedly, no less of an enrichment has taken place. But it has not included all branches and all classes. In some branches, on the contrary, strong clearing has set in, and especially many small livelihoods have been devastated. Since now the export of industrial products will quite certainly falter for various reasons at least in the initial time after the war, it is not at all impossible that the absence of human labour forces, which the war has had as a result, will reduce the number of those occupied in industry far more than that of agriculture. Dr. Oscar Stillich, docent at the Humboldt Academy in Berlin, queried the frequent and widespread view that, after the end of the war, industry will experience a great upturn, in his work *Are we heading for an economic boom?*, with objections that seem to me to be highly conclusive.⁸

Partly as a purely factual effect of the war on production relations themselves, but partly as a result of the war's effects on people's souls, the Europe that emerges from the war will in any case have to register a great retreat in goods traffic between the nations of one coalition and the nations of the other. It will, as already remarked, be all the greater, the more the conditions of the peace settlement stand in contradiction to nations' sense of right, and the more the feeling lingers as a result that this war may not have been the last. If, in the ordinary course of commercial life, the buyer does not ask after the nationality of the seller, but rather only after the quality and price of the product, then here too there are still limits to the workings of the law of indifference. The number of articles for which certain countries have monopolies of such a kind that other countries *must* buy from them, if they do not want to harm themselves, is very low, and the value of their production barely carries weight for the total value of their goods exchange hitherto. In Germany, until the outbreak of war, the coal-tar dye industry, which is highly developed here, could be regarded as such a monopoly, for which by far the greatest main customer in Europe was England. But in the total exports from Germany to England, which in the four years before 1914 made up on average over 1200 million marks per year, tar dyes figure with annually not quite 23 million marks on average, so barely a fiftieth part. Now great exertions are being made in England to free itself from the German monopoly through its own paint and dye industry. That is certainly easier said than done.

Even with the greatest capital outlay, one cannot make a technology one's own overnight, since it is the result, laid down in well-guarded recipes, of decade-long laboratory work by hundreds of trained chemists. But it is a goal that can be reached in stages. And if it is not reached, the continued export to England of this and a whole further number of articles based on a similar monopoly position would not bring the total German exports to this country to a tenth of the value that it had before the war.

Parenthetically, some words should be devoted here to a question which the reference to the monopoly position of the German tar dye industry prompts with regard to our theme. Namely whether this and, as the case may be, other monopolies could and will not serve as means of exerting pressure to successfully combat or, rather, fend off trade-political exclusionary measures like the ones the countries of the Entente are planning, according to the Paris resolutions. For England's textile industry, German tar dyes are in any case indispensable for a good while yet, and given the significance which the textile industry has precisely in England as the country's primary staple industry, the threat to ban the export of tar dyes to England as a counter-measure against such exclusionary resolutions would have to have a not insignificant effect. However, in practice, implementing such retaliatory measures is not as easy as this makes it seem. It would require, for example, monitoring neutral markets, which would be rather difficult to do in peacetime. Also, we would have to reckon with counter-measures which, again, would hit German industries hard. Thus, the German manufacture of cotton fabrics can obtain the finer yarns only from England in the necessary quality and quantity. And on the other hand, such export bans always wreak considerable damage on the relevant domestic industry, since they only make sense if they concern significant quantities of the commodity in question. Even greater efforts than in England are being made to cultivate a tar dye industry in the United States, and America is technologically stronger than ever before. Like every other war, a tariff war too cuts both ways. But it is possible that, if it comes to such a war, export bans will also play their part alongside import bans. However, the likelihood of this warns people on both sides not even to set foot on this slippery ground.

Even if we abandon direct import or export bans, the danger of tariff wars is not yet lifted. Already simply fixing preferential tariffs, which the Paris resolutions and the plans for a trade-political Central Europe envisage, would have these as an effect, even if perhaps in a somewhat milder form, although this would in no way rule out heavy damage to industry.

So if reason does not prevail at the final hour in both camps, a more or less aggressive “war after the war”, as people have called it, should be expected with reasonable certainty.

However, even if the peoples of Europe may be spared from tariff wars, the silent boycott of goods from the dominant countries of the enemy coalition, which is not prescribed by any legislative ordinances but rather fed by feeling, might still come into consideration. How strong it will be cannot be predicted with anything close to certainty. We can only say that, for the reasons outlined above, it will be all the more pervasive the longer the war lasts, and the more the peace conditions themselves are determined by the spirit of hostile sentiment.

But also purely factual conditions will stand for a long time in the way of the near-complete restoration of trade traffic between the great European states that are now fighting each other. To this belongs first and foremost the great emptying of these countries’ markets of the products of primary production, foodstuffs, and raw materials for industry, which the war has led to. Relieving this shortage will be one of the main tasks everywhere and will take up such a great portion of the already shrunken national capital that all the fewer means will be at people’s disposal for other imports. But England and France almost entirely—and Germany to a very great part—obtain their excess demand for foodstuffs and raw materials from neutral, specifically overseas countries, and Germany will be all the more reliant on them, since Russia, which supplied so many goods of this kind to it before the war, will be able to provide considerably less of these after the war, even with the best will in the world. Another factual circumstance that will hinder trade traffic between the warring states from being reinvigorated is to be found in the irregularities of the exchange rate which we must reckon with everywhere. The decades before the war were distinguished by increasing stability in exchange rates, which in the main countries only registered small, fractional fluctuations, an extremely favourable situation for trade and intercourse. The war has set back this development by some way, and that will probably make itself felt in international commercial transactions. The tremendous tying-up of capital in high-interest loans and the rise of the interest rate for commercial credit associated with it are also factors that can only have a crippling influence on international trade.

After all that, a decline is to be expected in trade between England, France, Italy, and Russia on the one hand and Germany and Austria-Hungary on the other, which will be considerable anyway, but which, by

being intensified through hostile tariff measures, could be brought down to well below a third or a quarter of the amounts that were exchanged between these countries before the war. But the line of passenger traffic would and will go in parallel to the line of goods traffic. The reconnection of personal relations from country to country among the current belligerents will be hard enough after the war anyway, but every interference in trade traffic will slow down the process of making them possible again even more. It is delusional to try and persuade ourselves that the natural way of things will sooner or later restore the old relations between the peoples of Europe as they were before the war. The impressions of this war are not simply to be wiped away, as we put out of our heads the memory of a bad dream. They have penetrated far too deeply into people's souls for that, the masses have been dragged into it far too much, and the contradiction between this war and its conduct and the concepts of civilisation of our time is too great. The history of humanity has seen wars that were far more brutal than the one we are in, but none to which Charles Fourier's phrase applies as accurately as this one, *mutatis mutandis*: "that the civilised stage raises every vice practised by barbarism in a simple fashion into a form of existence, complex, ambiguous, equivocal, hypocritical".⁹ The high level of mastery over natural forces which mankind has achieved in civilisation has had the effect in war of newly reinvigorating the concepts of war of barbarous eras, which allowed non-combatants to be drawn in, and this reinvigoration was practised most extensively by the country where general education had reached its highest level. But whereas, in the time of barbarism, this war practice was used by clans or tribes on clans or tribes with whom they had maintained no intimate association of any kind, it is now used on members of one and the same cultural circle, in which intimate threads of association of all kinds ran from people to people. But the more intimate an association was before, the harder it is to restore once it has been torn apart. We can stitch together a torn cable with much less effort than a torn silken thread.

It is not easy for me to write all of this, as the view I have outlined stands in the most brutal contradiction to what I consider necessary, and hence desirable, for the material welfare and spiritual healing of Europe. But the first thing that is needed—becoming clear about what demands our time places on us—is that we should ruthlessly give account of what is being planned, independently of our personal wishes and wills. And that is sadly a Europe that is politically, economically, and culturally-socially ruptured to a high degree.

4 THE RESTORATION OF EUROPE

Just like in other countries, there are also people in Germany whom this picture of the immediate future causes little concern. For the associations that have gone lost or are still being lost, they believe, new ones will emerge, and besides, external trade is not of such overwhelming significance for Germany's healthy development that it should have to give us any great headaches. The economic self-sufficiency, as highly developed as possible, if not of Germany by itself, then at least of Germany and its allies, is the goal that we should have in view.

However, of these two possibilities, the latter is very scant consolation. Germany's allies in the present war are Austria-Hungary, Bulgaria, and Turkey. The first occupies a very preeminent position in the statistics of German external trade, and we can expect that Germany's trade traffic with it will also develop in future on an upwards trajectory. But nothing lets us expect that this increase will be so great as to replace the loss of one of the major states in the now-opposing coalition from Germany's external trade. According to the German Reich's statistics, the value of Germany's external trade with Austria-Hungary in millions of marks amounted to:

	<i>1900</i>	<i>1913</i>
Imports	724.3	827.5
Exports	510.7	1104.8
Total	1235.0	1932.3

According to this, imports from the Dual Monarchy rose only a little in these 13 years, while exports to it, however, more than doubled in value. But for various reasons that I will not go into more closely here, Austria-Hungary will in the longer term hardly be able to provide a very convenient market for Germany's industrial products. Instead of an increase, we will initially rather have to reckon with a decline, and the later rise will be a fairly slow one. To assume anything else would mean cultivating expectations against the nature of things. Bulgaria and Turkey, meanwhile, make such comparatively meagre contributions to the statistics of Germany's external trade that even doubling or tripling exchange with them would not match Germany's previous trade with Belgium alone. But it will still depend very much on how these countries emerge from the war before we

can justifiably assume that they will very soon have reached even just the level of their previous exchange with Germany. The excitable predictions which German authors have made regarding the economic future of Mesopotamia have been very significantly undermined by the works of experts in the soil conditions, climate, and population of the riverlands. In particular, Phillipson has shown that they are mostly future speculations founded on assumptions of a thoroughly dubious nature.¹⁰

The concept of natural development has so often been improperly applied in theories of political economy that one decides only reluctantly to even bring it into play in the treatment of political-economic problems at all. However, there are now tendencies in economic life that assert themselves again and again without any coercion or extra-economic spur and which one must therefore grant the attribute of naturalness without dispute. To this belongs, *inter alia*, the tendency of trade to seek out countries of highly developed culture and economic life for quality goods. For a country whose external trade increasingly became trade in quality goods, countries with highly developed economies were hence natural outlets to an increasing degree. Suggesting as a replacement for such countries others with even less-developed economies means nothing more than suggesting that this country undergo a retrograde development in its production to an equivalent degree.

And it is retrograde development that ultimately the entire idea of economic self-sufficiency—or, to use the Greek term, *autarky*—amounts to. Since Germany annually imports tropical and subtropical products that are indispensable for its industry and also for certain nourishment purposes at a value of nearly 1½ billion marks, self-sufficiency would, in the first instance, only be partly achievable. But of the products of temperate climates that it imports, certain raw materials are extracted in colonies or in thinly populated territories on extensive plantations. To be able to produce them at home in the required quantity at an equally cheap production cost, Germany would have to transition for these products—we can think of sheep's wool—from an intensive to an extensive economy, so to a lower economic mode. With other products of agriculture, we would, to produce them in the necessary quantity, have to tackle worse soil than is used for their cultivation today. But that would mean a rise in production costs and would, in order for the additional quantities gained in this way to withstand competition from abroad, make necessary a raise in the relevant import tariffs, which would result in a general increase in their price and, further along, that of land values. Without a high tariff barrier, economic autarky is not achievable at all.

The idea is backward in every respect. If some people here and there seek, referring to Fichte's treatise about the closed commercial state, to hang a socialist mantle around it, then regarding this we should remember that Fichte wrote that book at a time (1800) where an international division of labour only existed in its most modest beginnings, and the difficulties of traffic in fact only allowed us to obtain products from abroad that were counted as luxuries.¹¹ As a socialist, Fichte was, in line with Germany's level of development at the time, substantially a nurturing socialist [*Erziehungssozialist*]. Where he comes to speak about economic questions, he shows himself influenced by the literature of the early socialism about which Marx-Engels write in the *Communist Manifesto*: "It inculcated universal asceticism and social levelling in its crudest form."¹²

If we wish to recourse to Fichte today, we should not cleave to Fichte the economist, who still stood fully under the spell of the mode of production and means of intercourse of his era, but rather to Fichte the philosopher of the politics of states and peoples, who during the years in which the Napoleonic campaigns overturned all of Europe took up and developed the revolutionary ideas of his time about the rights of personality, of the nation, and of humanity. Contrary to all narrow nationalism, Fichte was a thoroughly *cosmopolitically* oriented politician. In his treatise, written in 1806, about the "only possible patriotism of our age and our nation", he announces a patriotism oriented *towards world citizenship* [*weltbürgerlich*], which conceives of the nation as an *intermediary member* [*Mittelglied*] for the purposes of humanity, as the only patriotism appropriate to his time.¹³ And he also does not deviate from this idea in his often-cited but little read and even less understood *Addresses to the German Nation*.¹⁴ He does not present to his audience the prospect of a *world empire* but rather calls Germans to a *world mission*. To be bearers and enactors of the idea of an "empire of freedom, founded on the equality of all that bears a human countenance", that is, according to Fichte, the Germans' world-historical vocation, and the nation is for him a *highest means for the purposes of humanity* [*ein Höchstes für Menschheitszwecke*].

Germany has undergone a different development from the one Fichte imagined, and other ideas than his about the Germans' vocation have captured the minds of most of the nation. So far as the prevailing ideology and politics of an individual country can even determine world events at all, the development opposed to Fichte's ideas is a contributory reason for why the coming Europe can initially only be dealt such an inauspicious horoscope. Financially exhausted and deeply in debt, robbed of

many economic material goods and of a massive part of their best manpower—that is how the major states of Europe will emerge from this war, and their recovery will be complicated to the degree that the antagonisms from nations to nations that have been brought to a head by the war, and in part were even only created by it, retain their strength. *Il n'y a plus d'Europe*, this phrase from 1870 by the despairing Thiers has come true today.¹⁵ Europe presently exists only as a geographical concept and as a battlefield for wars, and the coming Europe initially risks only being a geographical concept as well. The feeling of a commonality of interests has been killed off, goods and passenger traffic between the main countries risks suffering a loss that may perhaps bring it down to a third of the scale it had before the war, and its great nations will stand opposite one another coldly and mistrustfully. A prospect that the political economist and politician, thinking objectively, shrinks from with no less concern than the socialist and pacifist committed to the idea of a community of peoples [*Völkergemeinschaft*] for idealistic reasons. There may well be no shortage of forces that will work for self-healing. Certain threads of trade traffic will let themselves be reconnected again more easily than is the case for most of them. Scholars who have kept their spiritual balance during the war will, after it, again foster international cooperation in research. And more along those lines. But so long as such healing relies on the workings of motives that capture only individuals or small groups of ideologues, the process of self-healing will be exceedingly slow and constantly exposed to the danger of being set back by counter-currents, of which there will be many. Only through the systematic work of extensive organisations can a radical healing-process be achieved before long and gain the strength that makes it capable of resisting all the agitations that work against it. And no association is called to place itself at the head of this movement as much as the party of the workers, whose great theorists counted Fichte, among others, as their intellectual forebears. Social Democracy did not prevent the war that has torn Europe apart and has also done nothing to cut it short up to now. All the more does it have an obligation to commit all its strength to reconstructing the Europe that is to come. But one of the first prerequisites for this is that it gives an account of what was previously the secret of its great political vigour, which raised it above all the currents of the day, and resolves to restore in their old strength those elements of this vigour that have suffered damage in this war.

NOTES

1. Karl Marx, *The Eighteenth Brumaire of Louis Bonaparte*, in Marx and Engels, *Collected Works*, vol.11: *Marx and Engels 1851–1853* (London: Lawrence & Wishart, 1979), p. 103.
2. Actually held on 26 March 1916, this conference brought together all the Allied nations: France, the United Kingdom, Russia, Italy, Japan, Portugal, and the governments-in-exile of Belgium and Serbia. At the conference, all the Allies agreed not to sign any separate peace agreements with Germany or its allies, and promised continued cooperation on the blockade of the Central Powers.
3. Friedrich Naumann, *Mitteleuropa* (Berlin: Reimer, 1915). Friedrich Naumann (1860–1919), German social-Darwinist, evangelical theologian, and liberal politician.
4. Karl Kautsky, “Mitteleuropa”, in five segments, *Neue Zeit* 34(1) (1915–1916), pp. 423ff, 453ff, 494ff, 522ff, 561ff.
5. Aladár von Návay zu Földeák (1864–1937), Austro-Hungarian jurist, economist, and politician.
6. [Ed. B.—When, in summer 1904, the conclusion of the Entente-agreement with France was being negotiated in the English Parliament, in the House of Lords, inter alia, the then-Secretary of State for Foreign Affairs, Lord Lansdowne, and in the House of Commons Sir Edward Grey in the name of the Liberals, expressed the wish that the accord “might serve as an example for similar agreements with other countries”, which was quite visibly meant for Germany].
7. Roy W. Howard, “Lloyd George says: ‘We will fight Germany to a knock-out’”, *United Press Associations*, 29 September 1916.
8. [Ed. B.—Berlin NW., Industriebeamten-Verlag]. Oscar Stillich, *Gehen wir einer Hochkonjunktur entgegen?: eine Untersuchung über die Geschäftslage nach dem Kriege* (Berlin: Industrie-Beamten-Verlag, 1916).
9. Cited in Friedrich Engels, *Socialism: Utopian and Scientific*, in Marx and Engels, *Collected Works*, vol.24: *Marx and Engels 1874–1883* (London: Lawrence & Wishart, 1989), p. 293.
10. Alfred Philippson (1864–1953), German geologist and geographer.
11. Johann Gottlieb Fichte (1762–1814), German philosopher, founding figure in German idealism, and author of *Der geschlossene Handelsstaat: Ein philosophischer Entwurf als Anhang zur Rechtslehre und Probe einer künftig zu liefernden Politik* (Berlin, 1800).
12. Karl Marx and Friedrich Engels, *Manifesto of the Communist Party*, in Marx and Engels, *Collected Works*, vol.6: *1845–1848* (London: Lawrence & Wishart, 1976), p. 514.
13. Johann Gottlieb Fichte, *Die Grundzüge des gegenwärtigen Zeitalters* (Berlin, 1806).
14. Johann Gottlieb Fichte, *Reden an die deutsche Nation* (Berlin, 1807–1808).
15. Louis Adolphe Thiers (1797–1877), French politician and historian.



A Manifesto of the Majority Fraction Within German Social Democracy

On 21–23 September 1916, in the largest committee chamber of the German Reichstag in Berlin, a party conference of German Social Democracy was held, which was attended by 445 participants. It had been convened by the party executive after the idea of organising a full party convention had met with strong opposition. The party convention is the highest legal authority for Social Democracy; its verdict decides the disputes that move the party, in the sense that its resolutions are binding for party members for so long until a later party convention either changes them or entirely rescinds them. For this, the precondition is that the party convention is preceded by an appropriate discussion of the questions to be decided at it within the memberships and press of the party and that the delegates are elected in a proper vote according to fundamental democratic principles. Both of these were not possible to the degree required under the condition of war, and so a party convention with the rights pertaining to it was out of the question for the party. And even less could the party conference claim the rights and authority of a party convention. Under the dispositions made for it by the party executive, it consisted of the members of various leading committees of the party (party executive, party committee, party inspectorate, the party's Reichstag fraction) and delegates that were to be determined by the party's constituency organisations, but in a number of these, they could not be elected even formally but rather were simply nominated by the local executives. And since, besides that, the mode of representation did not live up to the fundamen-

tal principle of proportionality, the Opposition disputed right at the opening the conference's right to draw up resolutions about factual questions facing the party in a declaration read out by Reichstag delegate Ledebour.¹ A procedural motion in this vein by the Opposition received 169 votes, of which 118 were those of delegates, with 276 votes against, of which 184 were from delegates. According to a calculation by the former deputy Lipinski, which is underpinned by the membership strength of constituencies on the eve of the world war, the Opposition represented almost exactly as many members of the party as the majority, namely 515,379 against 524,197 members. But also going by its headcount, its strength was much greater than we might have assumed beforehand.

The debates at the conference centred almost exclusively on the great present dispute within the party: its attitude towards the war and everything associated with it. Besides the speakers—Scheidemann and Ebert for the majority, Haase for the minority, and Frau Käte Duncker for the extreme Opposition (the Spartacus group and the Internationale group)—nearly 30 conference participants took part in it, among them a number of the best-known spokesmen of the movement.² The conference resolved by 251 votes to 4, with the abstention of the entire Opposition, a resolution to the peace question put forward by Dr. David and his comrades, which has the character of a manifesto, gave its assent by 219 votes to 2 for the Reichstag fraction to approve war credits, expressed its disapproval towards the minority that had resigned from the fraction, and passed motions that demanded the lowering of the maximum prices for groceries and a more social distribution of these, as well as raising Reich war benefits, the democratisation of the constitutions, education, taxation, and similar reforms, about which there is no dispute among social democrats. Apart from one incident provoked by a misunderstanding, the debates in all their acrimony were, in the way opposing opinions were asserted, still conducted objectively, albeit without an understanding or *rapprochement* having been achieved. Just as before, German Social Democracy remains split on the main question.

The stance of its influential leaders on this question is expressed by the resolution tabled by Dr. David and his comrades to the peace question. It was only incidentally discussed at the congress, and no speaker for the majority justified it in detail. The majority voted for it because it bore the signatures of the leaders they recognised. All the same, this manifesto may attract interest as a peace declaration, and so it follows here *verbatim*:

On the Peace Question

The Reich conference of the Social-Democratic Party of Germany recognises *the obligation to national defence*. In the conviction that only by standing together resolutely in this struggle against a world of enemies can the German Reich be preserved from disintegration, and from political and economic suffocation, Social Democracy at the start of the war *placed itself in rank and file with the entirety of the German people*. For Germany, this war is still *a defensive war*, and it is still a matter of *warding off* the severe dangers that threaten our country, which would not least affect the working class.

We thank our brothers in the field who on all fronts fearlessly stand firm against the onslaught of superior enemy forces. Just as before, Social Democracy is determined to persevere in the defence of our country, until our enemies are ready for a peace that ensures Germany's political independence, its territorial integrity, and its economic freedom of development. It rejects all goals of annihilation and conquest directed by enemy powers against the German Reich and its allies. But just as resolutely, Social Democracy also turns against the actions and demands of those wishing to give the war the character of a German *war of conquest*. It *fundamentally rejects this policy* and also condemns it in the strongest terms, because it strengthens the resistance of the powers fighting against us, fosters the aspirations of warmongers abroad, and so contributes to prolonging the war.

Social Democracy places respect for the interests and rights of *our own people* when peace is concluded at the forefront of its demanded war aims. But it also demands regard for the vital interests of the other peoples in the conviction that only such a peace carries the guarantee of permanence in itself. Social Democracy supports everything that is suited to leading European states onto the path towards a closer legal, economic, and cultural community. The ideal of a permanently secured world peace remains the lodestar of its policy.

True to this fundamental opinion, Social Democracy has proved and confirmed its *preparedness for peace* during the war. The Reich conference regrets that these efforts have not found the hoped-for echo among our enemies. Not only that the leading statesmen of the hostile powers have up to now bluntly rejected every idea of peace, and answered it with threats of destruction and conquest, but also that the official representatives of French Social Democracy and the English Labour party have again and again spoken with the same tenor of hostility to peace. We reject most resolutely the reason provided for refusing a meeting with us—that German Social Democracy, in standing by its country, made itself an accomplice to an alleged “assault by Germany on Russia and France”—since Germany was threatened in the gravest way by Russia's general mobilisation of 31 July 1914.

Filled with the conviction that the common economic and cultural interests of the working mass of the people of all countries must also in future lead the struggle against capitalist exploitation and oppression in close contact with one another, we find it necessary to reconstruct a vigorously working and campaigning *socialist International*. The Reich conference thus endorses the German party leadership's effort again to restore these torn threads.

In that German Social Democracy puts the responsibility for prolonging this war with its immeasurable victims in human lives and cultural goods onto those who oppose a rapid peace, it expresses the hope that a growing will of the broad masses of the people to end the terrible bloodshed will assert itself in all the countries involved.

But it demands of the German *government* that it constantly *strive to put an end to the war*, and to *return* to the people *their long-awaited peace*.

Critique of the Manifesto

In the *Neue Zeit* of 13 October, the author of this work subjected the manifesto to a critique from the point of view of the minority.³ Apart from a few introductory sentences that repeat what has already been said above, I reproduce it here *verbatim*. It reads as follows:

The manifesto starts with the sentence: "The Reich conference ... recognises *the obligation to national defence*." That evokes in me the memory of an event that played out six or seven years ago in the little town of Ruhla in Thuringia, which comrades there will still recall. It was at a by-election, and among others I had spoken in the named locality for the election of our comrade Leber.⁴ Towards the end of the debate, the question was posed to me by a progressive who was present of where Social Democracy stood on the question of cheering for the German fatherland. A few days previously, a National-Liberal agitator in Ruhla had namely closed his speech with a cheer for the German fatherland, and part of the social democrats who were present had joined in with the cheer, but others had not. I was now to inform him which of them had acted in the spirit of Social Democracy, and evidently people expected from me as a revisionist an answer in favour of those who had joined in the cheer. However, I answered that, from a social-democratic perspective, there was nothing to object to in a cheer for the German fatherland if this comes about free of all class and partisan tendencies. But if it were raised by someone who advocates a conception of the idea of fatherland that contradicts ours, in connection with agitation for that idea, then that would be a political demonstration in which I would quite certainly *not* have participated.

The application of the above is obvious. The obligation for national defence is, in general, so self-evident that we need to emphasise it explicitly no more perhaps than the obligation to spring to the aid of fellow men who are in mortal danger. It is, I might say, already a commandment of elementary ethics, belongs to this and not just explicitly to a party-political codex. If we put it there, then we also have to protect its concept against the way it is abused only too often. Not to mention our great socialist standard-bearers, even the poets and thinkers of the aspiring bourgeoisie have known perfectly well how to differentiate in this matter.

But the tendency of the manifesto is not to differentiate the socialist from the bourgeois conception but rather to blur the two together. This is shown straightaway by the sentence following the above, which justifies the stance of Social Democracy at the beginning of the war with the words: "In the conviction that only by standing together resolutely in this struggle against a world of enemies can the German Reich be preserved from disintegration."

How was it in reality? The decision of the social-democratic fraction in the Reichstag to approve war credits was taken in the afternoon of 3 August 1914. But at that point in time, only Germany's declaration of war on Russia lay before it so far. By contrast, Germany's declaration of war on France of 3 August 1914 was only handed over late in the afternoon at 6:45 in Paris, so around 8 o'clock Central European time, and only became known in Berlin late in the evening. We learned of the invasion of German troops into Belgium for the first time in the afternoon of 4 August from the speech of the Reich Chancellor, although in it nothing was said as yet about an ultimatum to Belgium and the refusal of the Belgian government, and only at 7 o'clock in the afternoon on 4 August was England's ultimatum to halt the march through Belgium, failing which England would stand by the latter, made known to the German government.

Thus, when the social-democratic fraction decided to approve the war credits, the "world of enemies" was still limited to Russia and at most France, about which various activities had been reported that were labelled as hostilities. By contrast, Austria-Hungary stood by Germany, and that the third power in the Triple Alliance, Italy, would turn against Germany was still seen as completely out of the question. So the situation looked quite different than how the sentence above presents it, and quite different reasons to those it gives there resolved the fraction to their attitude at the time. In the declaration with which they justified it, there is no mention either of a "world of enemies" or the danger of Germany's "disintegration", and the like. On the

contrary, the war was described in it as *the result of imperialist policy and the arms race*, and *responsibility* for it was *put on the bearers of this policy, whom we had fought consistently*.

Already at the start, the manifesto provides a classic example for how right Karl Kautsky is when, in an article about the party conference in issue 1 of the *Neue Zeit*, he declares it a matter of extreme importance to differentiate sharply between the credit approval of 4 August 1914 and the so-called policy of 4 August.⁵ The author or authors of the manifesto have quite correctly sensed that this latter policy requires a thoroughly different justification than seemed necessary and possible for that vote. But to be able to refer to it, they confuse matters and, as Lessing would describe it, thereby correct history.⁶ Thus, at the same time, they are in the position to continue: “For Germany, this war is still a defensive war”, and a question that is of foundational significance for many people’s stance towards this war, and on which hangs among other things a good piece of the possibility of reaching an understanding with the socialists of France, is curtly disposed of with that “still”.

Without doubt, every war brings a belligerent country for which it does not straightaway secure undisputed supremacy into more or less serious dangers. Whether there is a reason in how these come to a head for a party to change its attitude towards the war is a question in itself. But the character of a war is not determined by how it *starts* nor by its vicissitudes. Karl Marx, to whom those who changed their view like to appeal so much, writes to Engels regarding this on 17 August 1870:

Kugelmann confuses a defensive war with defensive military operations. So if a fellow falls upon me in the street I may only parry his blows but not knock him down, because then I should turn into an *aggressor*! The want of dialectics peeps out of every word these people utter.⁷

That was in reference to the German-French War, where France under Napoleon III seemed to be the aggressor. As we know, over the course of that war, the French socialists—like the Germans—also changed their stance towards it. But they only did so once the government of Napoleon III was toppled. Other people simply made their change in attitude towards the war dependent on a change in war *policy*, and this is also what it comes down to above all. The manifesto of the party conference differs from all socialist proclamations of a similar kind in that it completely avoids the question of Germany’s war policy. For a good reason, because what

guarantee could it take on in respect of it? In this regard, it speaks the language of a governing party, while the party in whose name it speaks has no part whatsoever in the government's war policy and no decisive influence on it. It is not even possible to recognise any effort to gain such influence. On the most important question before which German Social Democracy sees itself placed, it proclaims not only its lack of influence but also its lack of will. The only remark it makes about will regarding the war is that it declares its will to forego asserting any social-democratic judgement. An abdication that could not be justified even if it were complemented by formulating the party's peace aims in the loveliest way.

But not even the way the manifesto formulates the party's peace aims are worthy of a social-democratic proclamation. Just as for the war, so too for peace, it speaks the language of a bourgeois party. Social Democracy "places respect for the interests and rights of *our own people* when peace is concluded at the forefront of its demanded war aims". What is that supposed to mean? Is *that* the fundamental idea of the foreign policy of a party of the proletariat, which had hitherto stood at the head of the International of the working class? No reactionary would express himself differently. And the crassest reactionary will not hesitate to subscribe to the statement that follows this one as a moderating addition: "But it also demands regard for the vital interests of the other peoples in the conviction that only such a peace carries the guarantee of permanence in itself." For behind the vague word "regard" the worst contempt may conceal itself. First respecting one's own interests and only "regarding" the vital interests of others otherwise is what every bourgeois does who is not a complete infernal bloodsucker.

At every turn, we come across such woolly turns of phrase in the manifesto that it is tempting to speak, with Marx, of its wanton garbling of social-democratic concepts. For example, the way in which the manifesto uses the word *people*, which hints at all kinds of things, is no different. Where it is a matter of capturing the totality of a country's members without difference of class as a political unity, then the appropriate political expression is nation and not people. In particular, it is only appropriate in cases where the country's leadership lies in the hands of privileged classes. In the war today, nation stands against nation and not people against people. Or do the authors of the manifesto wish to adopt the logic of an Eltzbacher, who declares the war to be a war of peoples, to "raise" it to the level of the barbarian wars?⁸ And if, during the war, a revolution does not put an end to class domination—an idea, however, that our majority

rejects with indignation—then peace will also be concluded in the name of the *nation* by representatives of the concepts of right and interests of the upper societal classes. The manifesto obscures this fact when it speaks of “respect for the interests and rights of *our own people* when peace is concluded” as the “forefront of its demanded war aims” (also a lovely phrase) of Social Democracy. That an entire world of difference gapes between the opinion of the representatives of property and birth privileges and that of Social Democracy about the relations between nations and the rights of peoples is not shown in a single syllable.

To say that Social Democracy places the interests and rights of its own *nation* at the forefront probably sounded too brutally nationalistic to the drafters, but the expression “the interests and rights of its own proletariat” would have very clearly illuminated the absurdity of the statement. And so, instead of these concepts, which would at least have been clear, they chose a phrase that we would have bluntly dismissed in previous years as a political dummy good.

Incidentally, things do not look better for the turn of phrase in the first paragraph of the manifesto that Social Democracy on 4 August 1914 placed itself “in rank and file with the entirety of the German people”. If this is not meant to convey the self-evident idea that the social democrat, so far as it suits him, as a *soldier* admits no differences of class and party, then again it only proclaims the party’s political self-emasculation. But on 4 August 1914, that was far from the thoughts of Social Democracy. Unlike all the bourgeois parties, it insisted at the time on approving the credits, not in a parliamentary parade as the others did but rather through a declaration in which it expressed its particular class perspective, already then furnished with an alarming addition of woolliness, but still clearly recognisable nonetheless.

How different the manifesto of the party conference! Here, any trace of a particular viewpoint that expresses a socialist judgement about the war has disappeared. Instead, at various points, it surpasses even the language of the government in reference to the intentions of the enemy powers by taking on phrases from extreme nationalists, and these intentions are not outlined on the basis of the very specific declarations by the responsible statesmen of those countries but rather agitational speeches or occasional outbursts by some high-ranking demagogues. The manifesto rejects “all goals of annihilation and conquest directed by enemy powers against the German Reich and its allies”. A superfluous statement as far as the German Reich is concerned, since the manifesto proclaimed its resolve already “to

persevere in the defence of our country” and so on—which, however, given Germany’s allies at the time, lumbered the German Reich and thereby also German workers with more than can be reconciled with our fundamental democratic principles and, under certain circumstances, would only be agreeable to the Reich government. To choose an example, certain events in Turkish Armenia did not remain unknown to the drafters of the manifesto.⁹ There are very conservatively minded Germans who would be outraged by the idea of seeing the blood of even a single German soldier sacrificed for the political *status quo* of the countries in that clime. Shall Social Democracy allow itself to be put to shame by them?

Regarding Germany’s war policy, the manifesto turns “against the actions and demands of those wishing to give the war the character of a German war of conquest”, but since even people who are annexationists to their core protest against the idea of wanting a war of conquest, and rather describe the annexation demands as measures for defence or security, that repudiation so far says nothing specific about them at all. What would have been needed—a resolute stance towards the plans that aim either for direct forcible annexation or subjugation—is simply bypassed with that ambiguous repudiation. No word of the fact that Social Democracy, by force of its fundamental principles regarding nations’ right to self-determination and the internationality of relations between peoples, must insist that no people or part of a people in the civilised world may have its self-determination violated in the peace settlement. We seek in vain traces of a noble patriotism in the manifesto, one that rises above the dull self-righteousness of the thoughtless and unprincipled mob, and against its cult of self-opinionatedness supports correct *action* by one’s own nation. The questions of responsibility for the war and its continuation are dealt with in the spirit of the shallowest common-or-garden patriotism. For obvious reasons, going into this object more closely here is out of the question. Only one thing should be stressed in order to identify it. The manifesto rejects “most resolutely” the accusation, allegedly levelled by French Social Democracy and the English Labour Party against German Social Democracy, that by “standing by its country” it had made itself an accomplice in the war. But in fact it has never occurred to French socialists and English Labourites to make such a clumsy indictment at all. Although they judge the origin of the war differently than the majority of our Reichstag fraction, they have, on the contrary, repeatedly declared that they do not deny its good faith. Not *that* it stands by its country, but *how*

it does so, is the reproach they make against German Social Democracy, and in this they have the entire socialist International on their side, with very few exceptions. The manifesto whinges about the French socialists' "hostility to peace". Who does not regret their resistance to an immediate peace settlement? But the manifesto does not make the slightest attempt to get to grips with the reasons, based in the *facts*, which determine the French attitude. It proclaims not only the impotence of German Social Democracy to offer the peoples of Europe a peace in line with the demands of democratic right but also its lack of goodwill to commit its entire strength for such a peace.

In view of this, the manifesto's assurances that German Social Democracy "supports everything that is suited to leading European states onto the path towards a closer legal, economic, and cultural community", and that it aspires to "reconstruct a vigorously working and campaigning socialist International", fade away somewhat without making any impression. Peoples today are more mistrustful of fine words than ever before. They also require *securities*, if not of immediate action then still of a firm will to act. Of this, the manifesto makes no mention. Its language is only firm where it turns against governments and socialists abroad; towards its own country's rulers, it is pliant, echoing them directly. So its authors cannot be surprised if social democrats in other countries measure its words by their deeds and, as to the war, lump together German Social Democracy with German powerholders, militarists, and so on.

Het Volk, the organ of Holland's Social Democracy, says the following about the spirit of the manifesto, which it reprints *verbatim* in its issue of 25 September, in a short concluding statement in its conference report:

As we know, from this point of view, in contradiction to the declarations of the government, which include a programme of direct or indirect annexations, the war is still a defensive war. On the one hand, the resolution declares itself against all territorial incorporations, but at the same time supports measures for the purpose of economic freedom of development, etc., that according to all current opinions cannot be achieved except to the disadvantage of other countries. *We cannot regard the acceptance of this resolution as a step in the direction of peace and international rapprochement.*¹⁰

I do not wish to do anybody an injustice. I would gladly assume that the intentions of the manifesto's drafters and signatories are better than might appear from what I have presented here; indeed, I am convinced that, when

it comes to decisive resolutions in the Reichstag, at least some of them will be better at meeting the demands of democracy and internationality. I am not dealing with individual people here. I am characterising a document that wishes to proclaim the standpoint of German Social Democracy on the question of war and war aims. But as such, the manifesto is testament to the supremacy which, thanks to the party's opportunistic policy, the spirits they fought against in the most energetic way before the war have won over them during it. The purpose of the article above is to show this. Besides, we can say, if the speeches and declarations of Bebel and Liebknecht in the war of 1870–1871 are still a shining example of courage and insight decades later, then this manifesto cannot pass into oblivion fast enough. There is nothing to learn from it that would be worth emulating.

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The Swiss social-democratic papers have expressed themselves more harshly than the organ of Dutch Social Democracy about this resolution. There is no reason to assume that it has met with any more favourable judgement in Sweden and Norway. Likewise in the influential organs of Social Democracy in the countries of the Entente coalition. But if Social Democracy should prove itself a factor for peace, then this is only possible because it acts *unanimously* on the basis of *international* understanding between all of its country sections. In this, the resolution on the peace question passed by the majority of the party conference has failed. For the sake of unity with its own country's bourgeois parties in the war, it has abandoned unity with the socialist International on substantial points and thereby made accomplishing a unified action for peace at this time impossible. Undoubtedly, the authors of the resolution and those who agreed with them believed that they were rendering their country a service with it. Their policy could be defended from the point of view that the most important thing for bringing about a good peace consists in showing enemies abroad a united national front. But that fails to consider psychological factors that, as experience has shown, play a great role in the question of peoples' readiness for peace [*Friedensbereitschaft*]. A Germany whose Social Democracy proves itself a strong and resolute opponent of imperialist tendencies will be seen very differently by peoples than a Germany whose Social Democracy lays down arms before them as soon as the occasion arises. Anyone who does not wish to risk the war continuing until

both sides have bled dry will understand the view that a German social democrat renders his people the greatest service if he places value on offering—and determines his policy so as to offer—the world the certainty that Germany’s Social Democracy is, just as before, the unrelenting opponent of all imperialist *Machtspolitik* and that it cleaves unshaken to the idea of regulating the relations between peoples in accordance with peoples’ democratic right to self-determination and the international solidarity of the proletariat.

NOTES

1. Georg Ledebour (1850–1947), German journalist, anti-militarist, and socialist politician, opponent of the SPD’s *Burgfrieden* policy, co-leader of the SAG, and founding member of the USPD.
2. Friedrich Ebert (1871–1925), German social-democratic activist and politician on the right wing of the SPD, first Reich President in the Weimar Republic from 1919 until his death. Käthe Duncker (1871–1853), German lecturer, women’s rights activist, and politician on the radical left of the SPD, member of the *Gruppe Internationale* and *Spartakusgruppe*, and founding member of the KPD.
3. [Ed. B.—book 2 of volume 35, issue 1]. Eduard Bernstein, “Das Manifest der Parteikonferenz zur Friedensfrage”, *Neue Zeit*, 35(1.2) (1916), pp. 33–40.
4. Hermann Leber (1860–1940), machinist, trade unionist, and politician for the SPD.
5. Karl Kautsky, ‘Die Parteikonferenz’, *Neue Zeit* 35(1.1) (1916), pp. 1–5.
6. Karl Theodor Richard Lessing (1872–1933), German philosopher and political publicist.
7. Karl Marx, “Marx to Engels. 17 August 1880”, in Marx and Engels, *Collected Works, vol. 44: Marx and Engels 1870–1873* (London: Lawrence & Wishart, 1989), p. 51.
8. Present volume, pp. 339–344.
9. Bernstein is referring to the then-still ongoing Armenian Genocide, perpetrated by the Ottoman Empire and its successor, the Republic of Turkey, which began in April 1915, and led to the death of c.1.5 million ethnic Armenians.
10. For Dutch views on the war situation, see, for instance, Conny Kristel, *De oorlog van anderen: Nederland en oorlogsgeweld, 1914–1918* (Amsterdam: Bezige Bij b.v., Uitgeverij De, 2016).

PART II

League of Peoples or League of States:
An Investigation



League of Peoples or League of States: An Investigation

I ON THE IDEOLOGY OF THE LEAGUE OF PEOPLES

The dreadful war in which we find ourselves at present has put on the agenda the question of forming a great *League of Nations or Peoples* [*eines ... Bundes der Nationen oder Völker*] to safeguard peace. The idea of forming such a league, however, is not only a product of this war. It has already played a role in literature for centuries. Clerical and secular dignitaries, statesmen and scholars, and priests and laymen in various ages have composed tracts or drafts that expound the necessity or desirability of such a league and developed formulas for how it could be realised.

The most often cited design of this kind has as its author no lesser a figure than King Henri IV of France.¹ Less well known, and I believe first unearthed by me, is the treatise by the English social reformer John Bellers, who lived at the turn of the seventeenth to the eighteenth century.² Its title is: “Some Reasons for an *European State*, proposed to the Powers of Europe, by an Universal Guarantee, and an Annual Congress, Senate, Dyet, or *Parliament*, to Settle any Disputes about the Bounds and Rights of Princes and States hereafter”.³ In it, Bellers recommends that Europe be divided into a number of districts or cantons of equal size and that each state has to delegate a member for each canton to the parliament of states, so that the various states would be represented in this parliament in

proportion to their size and population. The parliament should only be concerned with the external and common relations of the states towards one another, without interfering in their internal affairs. It should agree on the reduction of standing armies and the number of armed personnel to be maintained in peacetime per canton and determine how many men or ships fit for military service, as well as how much money, each canton should provide, in case a common action is required against those who breach the peace. In contrast to Henri, Bellers wants to include “the Muscovites and Mahometans” in this league, because they are humans as much as Protestants and Catholics are, and because excluding them “would leave Europe too much in a state of War”. Rather, the more this civic [*staatsbürgerlich*] league can be expanded, Bellers writes, “the greater will be the Peace on Earth, and good will among Men”.⁴

Bellers was a Quaker, and this unique religious community, whose actual name is “the Society of Friends”, also later provided many defenders of the idea of organising peace. It should only be mentioned in passing that it also advocates *conscientious objection to military service* for its members and has supplied a significant number of such objectors in the present war. Only a few years after this member of the most extreme left wing of Puritanism, the famous Catholic philanthropist, Abbé St. Pierre, likewise published a treatise about a peaceful league of states [*Friedensbund der Staaten*], and at around the same time, another famous Catholic, the cardinal and statesman Alberoni, dedicated a treatise to the same question as well.⁵ The idea plays no small role in the political novels [*Staatsromanen*] that emerge in abundance over the course of the eighteenth century, and several philosophers discuss it more thoroughly with respect to its theoretical foundations, of whom our great Immanuel Kant deserves to be emphasised in particular. In the seventh decade of the nineteenth century, the “League of Peace and Freedom”, founded by bourgeois democrats and philanthropists, engaged with the idea and named their weekly publication, published in German and French, “The United States of Europe”, in view of it.⁶ In contrast, the International Workingmen’s Association, created at around the same time, had a league of peoples as the goal of its endeavours, but was sceptical to the point of rejection of the notion that it could be realised while still within the era of capitalism.

The German-French War of 1870–1871 allowed this scepticism to appear at least temporarily justified. The League of Peace and Freedom fell dormant, and Europe was turned into an ever-greater weapons stash. Only towards the end of the nineteenth century did peace associations stir afresh, and new plans to create a great league of peace were devised, of

which the work *The Federation of Europe* by the Russian Yakov Novikov deserves special mention.⁷ The circular by Nicholas II of Russia, which led to the convening of the Hague Conference, should likewise be mentioned here, but belongs more in the chapter about the attempts to achieve the idea of a league of peoples in practice.

2 APPROACHES TO THE IDEA IN PRACTICE

There has been no shortage of such practical attempts throughout history. It is questionable whether we can regard the *tribal confederations of the barbaric peoples of antiquity*, which have their counterpart in the confederations of Indian tribes in America, as rudimentary attempts to realise the idea of peace. In their cases, associating for the aim of waging war together at least played no small part. The desire for peace might have contributed more strongly to the formation of the *amphictyonic leagues* in ancient Greece and similar associations of Italic peoples. The *great world empires* were arranged not as *leagues* for peace, albeit possibly as *unions* for peace, which meant that entire nations ceased mutual war and which permitted them a certain measure of independent development. Such, notably, was the Roman Empire at the height of its power. However, their rule [*Herrschaft*] did not tolerate such a degree of self-development for the nations they ruled that it could have reconciled these to partial independence in the long run. The insurgency of the subordinated and the disintegration of world domination were always *only a matter of time*. This is one of the reasons why none of the global monarchies of antiquity and the Middle Ages could maintain themselves and why similar formations in more recent times have shared their fate, such as the *Spanish Empire* in particular. If the *British Empire* seems to be an exception, it owes this to the fact that it is gradually undergoing a development into a league of states or of state communities [*Staatengemeinschaften*] (e.g., like Australia) that are in almost all respects independent.⁸ It preserves its cohesion by giving up one characteristic of empire after another. Wherein, incidentally, we have one of the explanations for the economic potential [*Leistungskraft*] it has displayed in this war. For all that, the question remains whether the British global alliance [*Weltbund*] will retain the current cohesiveness for all of its parts or whether at least its *racially alien constituent parts* will not one day detach themselves from it once again. In the best case, it will stay a partial League of Nations, which to some extent *retains its enmity* towards other nations or empires and which for that reason will not solve the problem posed today.

Finally, to mention this as well, in accordance with the fundamental idea of the Gospel, the *Roman Church* represented a *league of peoples*. Christendom was meant to unite the peoples into one great family, living together in peace. But under the Papacy, spiritual doctrine came into conflict with efforts for temporal dominion, and this internal contradiction led to the *schism of the church* and eventually to the abolition of *any* temporal rule by the Roman see. The power of the church over people's minds has proven itself not to be strong enough to prevent Christian states from arming themselves against one another, in order to wage war against each other if necessary. While Rome has been able to act here and there as a mediator, the present war has also shown how limited its influence ultimately is in this respect.

3 AGITATIONS DURING THE WAR: BETHMANN-HOLLWEG AND GREY

And yet precisely this war has revealed how urgent a requirement creating an association that safeguards peoples against wars is in our time. We stand apparently before the conclusion of the war, but we do not yet know what this conclusion will look like. Depending on the form it takes, it does not lie outside the realm of possibility that, despite the evil experiences which the world has had in this war, even after its fresh attempts that aim to subvert the legal relationships which the peace agreement has brought about with the aid of weapons will still win power over people's minds. Peoples sadly have fairly short memories, and passions easily dominate reasonable consideration. The capitalist social order, which for the time being still obtains in most countries, constantly creates new causes for frictions between the major states [*Großstaaten*], which makes it easy enough for interested parties to let such a cause appear as an existential interest [*Lebensinteresse*] of their own nation. But contemporary economic life needs security from the danger of war as one of the most elementary conditions for the healthy functioning of its organs, in which the working class is also interested. And so it is in the general public's interest to create institutions that free peoples from this nightmarish danger.

Everything that has been created for this purpose hitherto has proven itself to be *inadequate*. The Hague Institute of Arbitration, which was created on the basis of the resolutions of the two Peace Conferences between states in the years 1899 and 1907, has failed and *had to* fail, because it was given no means to *compel* disputing governments to bring their case to a

hearing before it, even only to procure an *opinion* on the possibilities for a peaceful settlement through an impartial board of enquiry.⁹ It was, as one knows, in the first instance *Germany* that had insisted on denying the Hague Institute the authority to summon disputing powers before its panel. And this opposition from the government found cover in the attitude of German scholars. The first of the two conferences was in danger of breaking up without any conclusive result due to the objections of the German representatives, if the then-American ambassador Andrew White had not used a pause in the proceedings that lasted several days to travel to Berlin and, through insistent audiences with the German Kaiser and other influential personalities in Berlin, at least succeeded in making Germany give up its resistance on certain points. But a very short time after the end of the first Hague Conference, on 8 September 1899, Wilhelm II took the opportunity to argue in a speech that “many centuries will still pass before the theory of perpetual peace becomes universal practice” and that “the most secure protection of the peace” was “the German Empire and its princes”.¹⁰ At the second Hague Conference in 1907, Germany agreed to a few further concessions to the idea of arbitration, but even then the obligation to appeal to the court of arbitration was still *ruled out* for all questions that affected the *honour*, the *security*, and the *interests* of states, that is, for those questions, which from experience precisely *provide the occasion or the pretext for wars*. And when, on the eve of the present war, the Russian Tsar suggested in his telegram to the German Kaiser on 29 July 1914 that the points of dispute between Austria-Hungary and Serbia be submitted to the Hague Court of Arbitration, this suggestion remained *unanswered*, and the telegram *was not mentioned* in the German government’s White Book published at the time.¹¹ If Germany has seen itself isolated to such a great degree in this war, then its dismissive attitude to the idea of a court of arbitration has contributed to this in no small way.

But if at that time they were deaf to the proposals for arbitral resolution of disputes in Berlin, in other countries the idea of an International Court of Arbitration was discussed afresh all the more vigorously. In the United States, which had concluded a whole series of treaties about the arbitral adjudication of all disputes that might arise, the League to Enforce Peace emerged in Spring 1915. In Germany, the name is often translated as “League to Compel Peace”, which easily elicits the wrong impression.¹² The English word “enforce” certainly signifies force, but the force of a *law*. “To enforce a law” means simply to put a law *into effect*. The League, which is headed

by Mr. Taft, Wilson's Republican predecessor in the Presidency of the United States, met with considerable approval, and some time later Wilson himself joined it. At the same time, the *Central Organisation for Perpetual Peace* formed in the Hague, with highly regarded jurists and parliamentarians from various countries as members, after the *Anti-Oorlog Raad* (Council for Combating War) had already been founded in September 1914, also in Holland, and both organisations propagated the idea of a settled peace [*Verständigungsfriedens*] and the creation of a "League of Nations" to safeguard peace.¹³ Incidentally, even the British Prime Minister, Mr. Asquith, had presented such a league as the goal of his government in September 1914. Then, in Spring 1916, the then-British Foreign Secretary, Sir *Edward Grey*, took up the matter in a conversation with an American journalist. Grey, now Lord Grey, who, as one knows, tried without avail on the eve of this war to obtain a peaceful settlement to the Russian-Austrian conflict and had previously repeatedly and very resolutely spoken out in favour of pacifist efforts, vehemently denied to the American, Mr. Edward Price Bell of the *Chicago Daily News*, that his government had any intention or wish to destroy a united and free Germany. Such madness had never occurred to his government. History had always taught it, again and again, that one could not enslave a people nor kill a people's soul through despotism and brutality. "We believe", said Grey, and it is interesting to recall this precisely today,

that the German people—when once the dreams of world-empire cherished by pan-Germanism are brought to nought—will insist upon the control of its government; and in this lies the hope of secure freedom and national independence in Europe. For a German democracy will not plot and plan wars, as Prussian militarism plotted wars, to take place at a chosen date in the future.¹⁴

As Bell writes, Grey then developed for him "a vision of peace". "Not a wobbly peace, not a peace vulnerable to political and militarist intrigue and ambition, but a peace secured by the unified and armed purpose of civilization." Long before the outbreak of this war, Grey had "hoped for a league of nations that would be united, quick and instant, to prevent, and, if need be, to punish violation of international treaties, of public right, of national independence", a league that would point any peoples who registered grievances and wanted to assert claims towards the path of adjudication through an impartial tribunal and explain to them that, if they tried

to ignite a war in contravention of the verdict, they would be viewed and treated as an enemy of mankind.¹⁵ “Unless mankind learns from this war to avoid war”, were Grey’s words, “the struggle will have been in vain. Furthermore, it seems to me that over humanity will loom the menace of destruction.”¹⁶ “If the world cannot organise against war, if war must go on, then nations can protect themselves henceforth only by using whatever destructive agencies they can invent, till the resources and inventions of science end by destroying the humanity that they were meant to serve.”¹⁷

At the time, these declarations by Grey made a deep impression in neutral states abroad. In many circles, he was regarded as the statesman of the democratic *idea of freedom*, in contrast to the idea of the politics of violence [*Gewaltpolitik*] that dominated German politics. Patriotically minded Germans, who followed events in the world attentively, saw with chagrin how far this juxtaposition of the matter redounded to their country’s disadvantage, and hence sought to work towards making something happen on the part of the German government to counteract this. Thus, the erudite historian, Professor Hans Delbrück, wrote an essay entitled “*Realpolitik* and pacifism” in the November 1916 edition of the *Preussische Jahrbücher*, which he edited, in which he set out to what extent the government would raise its country’s standing in the world if it met the concerns of the strong pacifist current.¹⁸ Pacifism was no longer a movement of idealists and dreamers but rather a widely felt need of peoples and states, and true *Realpolitik* was to align oneself with it to some degree. Encouraged, if not even prompted in the first place by his friend Delbrück’s article, the German Reich Chancellor von Bethmann-Hollweg—the same one who as late as 1911 declared the question of a *convention on disarmament to be intractable* “as long as men are men and states are states”—then issued this statement, still in the same month, November 1916, which has often been quoted ever since:

Lord Grey has finally engaged in detail with the time after the war, with the foundation of an international association to ensure peace. I also want to say a few words about that. We have never made secret our doubts about whether peace could be permanently secured through international organisations, like courts of arbitration. I do not want to discuss the theoretical necessity of such a programme. But in practice, we will have to take a position on this question now and when peace comes. When, at and after the war’s end, the world becomes fully aware of its appalling devastations to property and blood, then indeed a cry for agreement and understanding will

go up throughout all mankind, in order to prevent, as far as it lies at all in mankind's power, the return of so monstrous a catastrophe. This cry will be so strong and so justified that it must lead to some result. Germany will honestly help consider every attempt to find a practical solution, and cooperate in its possible realisation. ... Germany is prepared to join a league of peoples at any time, yes even to place itself at the head of a league of peoples that reins in peacebreakers.¹⁹

I will not dwell long on the strange distinction which the Chancellor, often referred to as a philosopher, drew here between theory and practice. In politics, whatever cannot be brought in line with practice, with practical necessity, is not theory but at most *speculation*; practice is the touchstone of theory, and not the other way around. I will also leave undiscussed whether it was only an oratorical slip that allowed Herr von Bethmann-Hollweg to say that Germany is prepared at any time to place itself "at the head" of a league of peoples that "reins in peacebreakers". From the Chancellor of the same Germany that, for a start, could not expunge the fact that it and its ally Austria had started the world war through their declarations of war on Serbia, on Russia and France, as well as through the invasion of Belgium and Luxembourg, states that were neutral under international law, from him it was a mistake at the very least to give foreign countries that had grown mistrustful the possibility to infer that behind his explanation lay again only the idea of *hegemony*, to be specifically acquired for Germany. But I cannot stay silent about the fact that in the same country whose Chancellor had delivered that declaration in support of the league of peoples, the associations which had made it their business to educate minds in favour of the idea of such a league, in particular the German Peace Society, the New Fatherland League, and the Centre for International Law, were not only prevented by the authorities from issuing any public propaganda but were also crippled in their internal associational activity at every turn, one can even say *strangled* in the case of the New Fatherland League.²⁰ After all, after the director of the League was barred from every associational activity with the added proviso that he was (I am citing *verbatim*) "forbidden for the duration of the war from any further activity in accordance with the League's efforts through the creation and dispatch of notices, reprints, and pamphlets", he was not even allowed to notify its members by circular of the instruction to turn over his membership lists, in contravention of the stipulations of the Reich Law on Associations.²¹

But however much they might harass the pacifist associations, the pacifist idea did not for that reason carry on any less as a counter-current to the events on the battlefields and in the occupied territories. The same thing happened as what Ferdinand Lassalle once characterised in his work *The Italian War and Prussia's Tasks* when he said that, however carefully Napoleon III might let the pamphlets of Ledru-Rollin, Victor Hugo, and so on, that were smuggled into France from abroad be confiscated, "who was going to confiscate his own speeches?"²² One leading statesman after another saw himself induced in his public speeches and statements to present the League of Nations as the goal of his endeavours, and likewise Pope Benedict, as well as other church dignitaries, preached it in encyclicals to the faithful and their rulers. Far from disappearing from the agenda, it has won ever greater prominence. It is on *President Wilson's peace programme* and if, as we may now hope, it comes to peace negotiations between the warring powers in the near future, it too will hence become an object of deliberation. However, its realisation is not only associated with technical difficulties, but it is also exposed to the danger of being tackled in the wrong way from the start as a result of *the wrong question being asked*. It is therefore time to become fundamentally clear about what the concept means and what kinds of problems it contains.

4 THE IMPLICATIONS OF THE DIFFERENCE BETWEEN CONCEPTS

If one reads the statements by Wilson, Grey, and other English-speaking politicians about our object in their own language, one will find that they always only speak of a *League of Nations* as the goal of their endeavours,²³ likewise the pacifist statesmen and propagandists of the Romance countries and a range of other nationalities. But depending on how the concept is interpreted, "league of nations" can mean many different kinds of things. The ethnological concept of "nation" or "nationality" has no immediate relationship to the state. Ethnologically defined, the nation can thus reach further than the state or alternatively only comprise a part of its population. By contrast, politically or constitutionally [*staatsrechtlich*], nation and state coincide, and "league of nations" can consequently simply just mean *league of states* [*Bund der Staaten*], or rather *confederation* [*Staatenbund*], that is to say an association which states form for *specific delimited purposes*, and which otherwise, as was the custom in diplomacy

hitherto, does not concern itself further with the nature of the individual contracting states. In Germany, meanwhile, the expression *league of peoples* [*Völkerbund*] has become the vernacular term for our object. Just as we heard the conservative Bethmann-Hollweg, not at all a lover of democracy, herald the “league of peoples” in his statement on 9 November 1916, so in most official statements by the German government and its current governing parties, this expression “league of peoples” recurs ever afresh whenever there is talk of the association that is to be created. But even a little reflection will lead one to consider that the term “league of peoples” says *more*, and *something more specific*, than “league of nations” or even just “league of states”. It lays the weight on *peoples* as the subjects, the acting persons of the association, and so presupposes a far-reaching *intimacy of relations* and the *democratic nature of the association*. A league of peoples can, by definition, only be an association which peoples themselves form or which they allow to be negotiated by commissary agents [*Beauftragte*] in accordance with their wishes and instructions. However, neither was Herr von Bethmann-Hollweg thinking of such an association at the time, nor could it be what comes to mind in this matter or what corresponds to the way of thinking of the greatest part of those German politicians who have since taken up this rallying-cry. Here we come up against a contradiction between word and object that faces us in a related domain where the German word for the object is also different to the equivalent expressions in almost all other languages. I mean the legal institution that in German carries the name *law of peoples* [*Völkerrecht*], but which in reality is no law of peoples [*Recht der Völker*], but rather, as one can glean from every international law textbook, is in reality only a law of *states* [*Recht der Staaten*]. “Since not peoples”, we read in Franz von Liszt’s widely used work *International Law*, “but rather states are the subjects of international law, the expression ‘*inter-state law*’ [*Staatenrecht*], used by Kant in his 1797 *Metaphysical Fundamental Principles of Jurisprudence*, would recommend itself the most.”²⁴ Other German international law scholars emphasise even more sharply that the law of peoples pertains to or protects peoples only indirectly through the intermediary link of the state, that is to say, insofar as they are members of *states*.

Now this is in no way just an academic question, as one might say. Because, in many cases, the conception of what we call the law of peoples as the law of states stands very *obstructively* in the way of its development in line with modern democracy. This, among other things, is proven very well in the recently published work by the Göttingen docent Leonard

Nelson, which he gave the title *Jurisprudence Without Rights*.²⁵ Nelson shows with great acuity on the basis of the writings of various notable constitutional law scholars how much the principle of state sovereignty, which underlies the contemporary law of peoples and is particularly confirmed through its interpretation as the law of states, stands in the way of reforming the law of peoples in the spirit of an *ethical or proper legal code* [*eines ethischen oder richtigen Rechts*]. In the English-speaking and Romance world, the contradiction between word and object does not exist on this point. Here, the expression *international law*—“*droit international*”—has become the vernacular term for the latter, which in fact also does not quite hit the mark exactly with this object, but which at least does not awaken any false notions regarding the present state of things. After all, our German word law of peoples sounds rather fine, something that sadly cannot always be said of its official interpretation and the practical application of its content, and we want to take care that it does not go likewise with the league of peoples to which we aspire.

When it comes to the *practical side of the question* league of peoples or league of states, this consists in the first instance in the fact that, when the peace conditions are being designed, what kind of *character* the prospective *league* shall have will be of decisive importance for the *estimated tolerability* of individual demands. For example, territorial questions take on a very different aspect if the peace treaty to be concluded is not likely to differ essentially from the previous peace treaties of modern states, and so peters out into at most the agreement of an extensive league of states, or whether it approximates a real league of peoples as far as this is at all possible without simultaneously transforming all contracting communities into socialist-democratic republics. If states essentially stay as they were hitherto—wherein as yet little will be changed for the time being by certain political rights of their citizens being extended, such as the franchise for parliamentary elections—then the peace treaty or league treaty may say whatever it wants, there will still be no guarantee given that it will long outlive the period of recovery from the wounds of the world war. And with that, it would then also already be presaged that governments and the dominant societal classes will continue to regard territorial questions under the perspective of traditional and perhaps newly created *national rivalries*. Allow me to illustrate in which circles the evaluation of territorial questions even influences opinions about the nature of the peace agreement with an incident from the present day in which I was personally involved.

In September 1915, a discussion took place within the then still unified social-democratic Reichstag fraction about a programme for the war aims, or rather the peace aims, of Social Democracy. Dr. Eduard David was the designated speaker for the majority of the fraction, who had committed themselves to the *Burgfrieden* policy and had indefinitely postponed their opposition to the ruling state, while the task of speaking for the minority who even in wartime did not give up their fundamental opposition to the prevailing policy was assigned to me by the party executive. David and I each drew up the guiding principles for such a programme.²⁶ Now, in the statements of principle by David, who with respect to the national question has strongly approached the bourgeois view, it says:

Securing the political independence and integrity of the German Reich requires rejecting all of its enemies' goals of conquest directed against its territorial sphere of control. This also applies to the demand for the reincorporation of Alsace-Lorraine into France, *irrespective of the form in which this is aspired to.*

With that final sentence, as it transpired in the debate, the French socialists' demand to let the people of Alsace-Lorraine themselves vote on their national affiliation was also rejected, and David and his political friends, as one knows, have until recently clung firmly to this opinion on the Alsace-Lorraine problem. This has had the result that an understanding between their fraction and the French socialists has remained impossible in every sense and that a joint peace campaign by the International of the proletariat could not be accomplished. In my programme, one does not find the Alsace-Lorraine question touched on explicitly. But in substance, it is treated inclusively in the second and third of my statements of principle, which address the demand for peoples' right to national self-determination. There it says in the third clause:

Where members of European culture who hitherto stood under foreign rule come into consideration, changes in territory may not take place without consulting their residents. The consultation is to be coordinated and supervised with the cooperation of representatives of neutral states in such a way that the full freedom of the vote is assured. All inhabitants of age who were domiciled in the territory for at least a year at the outbreak of war must be entitled to vote. ...

It lies in the interest of Europe's recovery that peoples of European culture who currently stand under foreign rule attain state independence wherever they inhabit a territory that is large enough for them to be able to develop their own life as a member of the international union of peoples [*Völkerverbandes*].

At the request of a sufficiently large number of the people, populations who are forcibly incorporated into a polity must be awarded the right to determine their state affiliation through a direct vote.

With that, the door was also opened to such a resolution of the Alsace-Lorraine question, which at least made possible a friendly understanding of France and Germany's democratic popular classes with one another.

However it came about, David's statement with the demand to stabilise the German Reich's sphere of control conforms to hitherto existing state doctrine. I wish to leave undetermined whether, in adhering to it, a league of states with France and Germany as members would have become possible. What is certain is that only a France that had become fully exhausted and thoroughly incapable of resistance would have joined it. Even the very pro-German leaders of Danish Social Democracy, as well as P.J. Troelstra and others, the leaders of the Dutch Socialists, who were closely associated with the majority fraction in German Social Democracy, have declared themselves opposed to David's statement on this question. However, in adhering to it, a league of peoples would in any case have been impossible to achieve.

To take a second example, a similar difference came to light in our position on the Belgian question. While in David's statement no. 4, which pertained to it, it says "From the standpoint of German interest no less than that of justice we hold the restoration of Belgium to be necessary." But this was accompanied by the addendum:

But in the interest of its own security and economic freedom of action, Germany also cannot permit Belgium to become a military outwork and instrument of England's political power.

The party rejected this addendum and a bland passage that followed it. But it also rejected an additional proposal by Karl Liebknecht, which demanded that every attempt to encroach upon Belgium's independence be fought with the utmost determination. My statement regarding Belgium said, almost in *verbatim* agreement with the latter: "every

forcible annexation of Belgian territory or questioning of Belgium's independence by any other state are to be fought resolutely." Further, it declared that it is

Germany's honourable obligation to vacate Belgium immediately after the conclusion of peace, as Secretary of State von Jagow let it be solemnly declared to the English Secretary of State Sir Edward Grey on 4 August 1914 by the German ambassador Count Lichnowsky, and to fully *compensate* the Belgian people for the material and moral damage inflicted on it.²⁷

It is not my intention to drag the party dispute within German Social Democracy into this lecture. However, the fundamental difference of opinion that found *factual* expression in the opposition between the statements of principle by David and myself cannot be avoided for the reason that it has significance for the practical side of our question. With David and his friends changing their position on the state in question, it was also only consistent that they abandoned their position on certain questions of prevailing state doctrine. The statement of principle requested from me demanded the unrestricted independence of Belgium *vis-à-vis every other* state, including England and France, while, in contrast, David's version meant the unilateral restriction of Belgium's independence. Even though the majority fraction rejected this ambiguous sentence, it could still not resolve to formulate the demand to restore Belgium in such a way that it ruled out *any* interference in this country's independence. It became stuck halfway, which was the natural consequence of its changed attitude towards that state, and thus also could not satisfy the socialists in the opposing camp regarding this question.

Another of David's statements said:

In the interest of Germany's security and of its economic freedom of action in the Southeast [of Europe] we repudiate all the war aims of the Quadruple Entente [*Vierverband*] oriented towards the weakening and disintegration of Austria-Hungary and Turkey.²⁸

However justified this idea was, of repudiating every forcible interference by warring powers in the internal developments of the countries they were at war with, one may describe it as very doubtful whether a party of Democracy was acting correctly in giving it a form that amounted to sanctioning precisely those conditions in the specified countries that urgently called out for change from a democratic point of view.

After all, the integrity of states is only a democratic demand at all when these states represent peoples who have attained independence. Where this is not the case, where a state or empire keeps nations or peoples in bondage, democracy has never considered it its business to step in in order to perpetuate this relation. By contrast, under certain circumstances, precisely the most resolute democrats have, as the case may be, even *demand*ed wars for the purpose of removing this bondage. One must only recall, among others, the resolutions drafted by Marx for conferences of international socialists which demanded that Western powers fight against Russia to liberate Poland. Perpetuating the territorial integrity of states and empires in their current extents may be suitable *as the articles of association for a league of states, but it cannot be the guiding fundamental principle of a league of peoples, if this term is to have any meaning at all.*

The principle of *non-interference* cannot claim *unconditional application*. It stands in contradiction to the socialist principle of the communion (solidarity) of peoples, which incidentally has also found recognition to a certain extent in the bourgeois world. One should only think of the various international treaties for protection against certain common dangers, like protection against epidemics, against the extinction of particular animals, and so on. Here, the voluntariness of entry was often only a formality, but was in fact enforced by some means of exerting pressure. Similarly, a range of statutes of international law, which no civilised state [*Kulturstaat*] can withdraw from, amount to interferences in states' and peoples' right of self-direction, whereby states' sovereign autonomy [*Selbsherrlichkeit*] was likewise only preserved for appearance's sake. But I have already mentioned that this consideration for the near-dogmatically stipulated sovereignty of states poses all kinds of difficulties for the further development of international law and has prevented various reforms which are recognised as essential by almost all experts. So with creating a league of peoples, it can only be a matter of agreeing particular rules according to which those interventions in states' sovereign autonomy that are recognised as essential are to be arranged and undertaken and of realising that every such interference should fundamentally apply uniformly to every state. At the time, guided by these thoughts, I presented "the national right of self-determination of peoples *in the framework of international law applying uniformly to all of them*" in my statements of principle as the highest fundamental principle of the relations between peoples [*Völkerbeziehungen*].

5 CONDITIONS AND TASKS OF A LEAGUE OF PEOPLES

Elaborating this *international* law would be precisely the task of the league of peoples, which would have to organise periodic congresses of delegates for this purpose and which would, through these and through the authority that would become essential to monitoring the undertaking of resolutions, take on the characteristics of a *republic of peoples* [*Völkerrepublik*]. A *league of states* can be conceived as a *loose* association, but a *league of peoples* could not do without a *permanent organisation*. People also seem to have realised this to a certain extent. The demands drawn up by Wilson, and the many designs by pacifist authors and conferences which have concerned themselves with this question and which have published very valuable writings about it, all contain provisions that allow the league of peoples to appear as a *higher authority* [*Oberinstanz*] above the states of today. But almost all of them still balk at carrying this idea to its logical conclusion. They dither between the plan for a league of states and that for a league of peoples, and they do not dare to extend the binding force of resolutions beyond only those provisions that bear more or less on the prevention of war. All of them respectfully stop short before the *state*. And yet it must be said that, as long as states remain essentially what they are today, the League of Nations will always only lead a precarious existence, and it will be possible to speak only very conditionally of a *league of peoples*.

It may sound paradoxical coming from a socialist, but it corresponds to a conviction which did not only thrust itself upon me today—and which incidentally has going for it very particular passages and explanations by the founders of scientific socialism, Karl Marx and Friedrich Engels—that the league of peoples will only become a reality, and will only be taken up by peoples in their thinking and feeling, to the degree that they will have ceased thinking in terms of *states* and ceased regarding the state as something sacrosanct. The widespread belief in the state, which was typical of Social Democracy in its youthful years and which specifically in Germany was in part first roused by some statements by Ferdinand Lassalle, was justified so far as it was a matter of contesting the idea that the socio-political functions of the state should be restricted to its security services. But from a certain point in time onwards, it becomes more damaging, a superstition that stands in the way of the further development of the life of peoples [*des Völkerlebens*].²⁹ The state, however it came into existence and however it has configured itself, can be recognised by Democracy only insofar as it is the organ of the generality

of the people [*Organ der Allgemeinheit des Volkes*], changes according to *their* requirements, and gives up its functions where these contradict them. *We must cast off the mystical belief in the state in order to become ready for the league of peoples.*

One remembers with what noise, when Germany surprised the world with its preparedness for war, and when it was able to mete out blow after blow on the battlefield, these successes were described by scholars and writers at the beginning of this war as the fruit of the fact that “the right understanding for the *state*” only inhered in the German people.

Since then, however, it has become apparent that it is the much more general social forces of a material and spiritual nature that cause peoples’ efficacy in war and for war. The great advantage which Germany achieved on the mainland early on in the war relied on the fact that its rulers were set on war sooner than the governments of the Western powers, and that they began the war by flooding into neutral Belgium, while on the other side, they seem to have hoped that Germany would refrain from drawing in Belgium to the last. It is a fact that France was absolutely inadequately prepared for an attack from the Belgian side. The northern wing of the German army reached Aachen in its railway deployment, so even above the latitude of Liège; the northern wing of the French field army was stationed at Longwy, 140 kilometres further south than Aachen. From the moment its temporary advantage was cancelled out, Germany’s superiority vis-à-vis the West ended, and it only scored greater military successes in the East, where a politically corroded half-despotism collapsed because of its inability to regenerate its system of government by itself. Tsarist Russia certainly did not lack a conception of the state [*Staatsidee*], rather it had too much of it and not too little. What it did lack was a *social* foundation for its state conception and the solidaristic consciousness [*Verbundenheitsbewusstsein*] between the parts of its people that emerges from it, which are necessary to empower a nation to the highest unfolding and centralisation of its material and moral forces.

All of a state’s great trials of strength come down to this solidaristic consciousness among its citizens. However, one commits a great and fatal error if one thinks that the presence of such a consciousness is unconditionally tied to the existence of the state. On a smaller scale, it was there before the state—in the kinship group, in the feudal territorial unit, and similar formations—and there are enough indications there that let us recognise that it will outlast it. The state has historically been a means of expanding it, or rather of elevating it to a higher level, and it is this historical mission which

Lassalle and other socialists have in mind when they celebrate the state as a bearer of civilisation [*Kulturträger*]. But the state, *territorially limited* on the one hand, and on the other the setting of class struggles that play out within it, is constantly exposed to the danger of forfeiting its citizens' solidaristic consciousness, which is necessary to secure it against all the blows of fate.

We have seen how easily one may be mistaken about the ethical force of this state consciousness more than enough in our time. I do not want to undervalue the sacrifices in property and blood that have been willingly offered up on all sides in this war. But if we enquire more closely into the causes and preconditions that were decisive for this willingness, we will find that, in infinitely many cases, unreflective acceptance of slogans, together with traditions whose preconditions are not or are no longer present, gave real or supposed material interests of an ordinary kind such motive power that a judgment of the questions that were really to be decided by peoples won through conscientious examination of the facts, by contrast only determined their behaviour very rarely by comparison. The war has at all times awakened nobler and baser characteristics, but if we want to be honest with ourselves, we cannot say that today the relationship of the former to the latter has become more favourable than in previous decades. On the contrary, one has to go quite far back in history to find examples of the kind of destruction and plunder that have been wreaked in this war. The feeling of solidarity which the state of today has brought forth has not prevented a mutual malignancy from gaining ground among us, in a way that has barely appeared more pervasively and maliciously in any other country. The outward cohesion of the state is distinctly based on antagonism with us as well—today, thanks to the imperialistic education of the newer generation, even to a greater degree than in the time of previous generations. As such, it is more a negative than a positive virtue.

From this, as long as the state is founded on a capitalist economic system and pursues imperialistic tendencies, can one expect that the league of states will bring lasting peace? It is thoroughly uncertain. The security proposals put forth by Wilson and other bourgeois pacifists—freedom of the seas, equality of trade relations, open door, and so on—will not suffice to remove imperialistic rivalries permanently from the world.³⁰

The freedom of the seas is a good thing. But it has never been called into question in peacetime since the suppression of piracy, and promulgating it for times of war without at the same time tightening the provisions

for land warfare in various directions would under certain circumstances act as an encouragement for a land power to plan for a war. Now, admittedly, the obligation to go to the International Court of Arbitration beforehand, and to observe its decisions, is meant to eliminate war altogether. However, as little as industrial conciliation offices were able to eliminate *strikes* in the economic domain, equally little will the International Court of Arbitration eliminate war, so long as the league of states still permits it at all, and the *motivations* for war are not removed from the world.

The demand for *equality of trade relations* is also a good thing in principle. But what does it mean in practice? It is just another formulation of the prescription to grant all states, or rather their citizens, the rights which the *most-favoured-nation* clause in trade agreements assures them. But this generalisation of the most-favoured-nation policy existed to a great extent in the time before the war, while at the same time most major states fortified and raised their *protective tariff walls*. However, *protectionism* in the states with developed capitalist production is the *deadly enemy of any true association of peoples*. Modern economic-political imperialism draws from it a great part of its tendencies to drive towards war. The protectionist reaction that set in at the beginning of the last quarter of the nineteenth century gave the signal for a new race for colonies between capitalist states, and to what degree these colonial-political rivalries laid the groundwork for the current war is too commonly known to need particular proving here. I will only note one thing. Facts lie before us which indicate that in this war the *Morocco question*, which had already brought Europe to the brink of war twice beforehand this century, is also not without blame.³¹

On the colonial question, as the Fabians and other socialists in England have demanded, the fundamental "open door" principle must *be supplemented* by an *internationalisation of those colonies* whose indigenous populations would sooner or later fall prey to some rapacious conquerors if one were to leave them to their own devices. *International administration and control* would offer the best possibility to protect the natives against plunder and oppression, educate them to self-government, and at the same time prevent the monopolisation of their colony's resources by groups of capitalists of particular states.

Certainly, imperialistic tendencies will not yet be rendered harmless by this alone. The drive to *expansion* lies in the nature of capital, and the drive to heightened economic expansion again and again pulls the drive to territorial expansion after it. Ultimately, only the *radical means of the*

socialisation of capital at the same time as the *internationalisation of the major trade and traffic lanes* will bring security here. And if this means is not immediately resorted to everywhere, it still seems likely that the economic and financial situation which the war has left in its wake in most major states will make accelerated development in this direction an imperative of social self-preservation. One may place greater hope for the realisation of the league of peoples on the compelling language of social exigencies, and on the activity of the working popular classes who will feel the pressure the most, than on some agreements by the current governments. That is not to say that I am dismissing the demand to undertake the League of Nations immediately or that I fear that, for all its good sides, it may prove itself an enemy of better things. No, there is no reason to oppose or disapprove of the struggle to realise the League. A League of Nations in accordance with Wilson's programme, for example, would surely be a step forward on the right path. But because it would be a league of *states* and these states are all capitalist, it *cannot yet be the League of Peoples* [*Bund der Völker*] which we must strive for if we want to be forever free of wars and the threat of them. A league of peoples can only be a league of free republics of peoples, founded on the same democratic right for all, on peoples' full national self-determination, and on mankind's mastery over its social fate, which can only be brought to full realisation through *socialism*.

Enough examples. I could multiply their number considerably. In particular, examining political proposals like restrictions on armaments, parliamentary government, and so on will deliver us a similar picture. I hope we can see with sufficient clarity in the couple of examples demonstrated why the *league of states*, in whose nature it lies to interfere *as little as possible* with all international questions about the special sovereignty of states, *does not yet realise the league of peoples* and *does not yet set war on the path to extinction*. But, based on them, we can also see with which principles those who wish for a true league of peoples must tackle the questions that come into consideration.

Not the mere equality of trade relations but the *lowering of tariff walls* is one of the first prerequisites for realising this goal in trade policy. Free trade is no *arcantum* that eliminates all disputes between states and peoples. But it is an effective means to reduce these disputes and take away their acuity. The question of the security to *acquire important mineral resources* merges, for example, with *questions of territory* more strongly today than at any earlier time. With the continuation of protectionism, it can thus allow a dispute over territory to appear to peoples as a vital matter

of their national economy. But this will occur much less if free trade ensures the acquisition of those resources free of customs duties. Further, the duty-free international exchange of goods would be a means to develop the *geographical division of labour* to its highest completeness and thereby bring the *intimacy* of relations between peoples and peoples' *mutual economic solidarity* to the highest level.

That, after all, was also the guiding idea of the great propagandists of free trade. They were all *at the same time pacifist politicians*. No statement by Richard Cobden, the great free-trade agitator, is more meaningful than the reply he gave at a gathering to the objection that the realisation of his policy would make England dependent on foreign countries. It was "But my dear sir, that is precisely the best thing about it." For the league of peoples, the *fact of mutual dependency* and the permeation of this fact into peoples' consciousness is, in reality, *the* best thing. There was no worse appearance of reaction in this war than the agitation which unfolded in all the major states to bring their domestic production by themselves or in combination with that of a few other states to the level of *self-sufficiency* again at all costs, and to realise their so-called economic autarky. The most recent shape of the war situation has thoroughly thwarted several of these plans, and anyone who strives for the league of people can only welcome at least this effect. Not the return to self-sufficiency, but the most intimate possible *economic intercourse* between peoples will bring it about. Tearing down tariff walls means breaking open one of the bands that keeps peoples under the spell of *the powerful and violent state*. Only completely breaking this spell will make the league of peoples come to pass, and only as a *world republic of solidaristically associated free peoples* will it fulfil its great mission.

* * *

Addendum Since the above was spoken and written, the great political revolution has taken place that has transformed Germany into a democratic republic. With that, a tremendous step forwards has taken place towards realising the league, which I believe I have proved here will alone have the right to bear the name "league of peoples". Everyone who wishes to see the league of peoples realised must concern themselves with helping to shore up and foster the Republic of Germany.

The Empire was war, the Republic will be peace.

NOTES

1. Henri IV (1553–1610), first French monarch of the House of Bourbon, ascended the throne (first as a Huguenot Protestant, and then later as a Catholic) during the French Wars of Religion. Henri IV devised a “Grand Design”, or a “*république monarchie très chrétienne*”, for a kind of international organisation comprising 15 states that would send delegates to a General Council and six Minor Councils, as well as a combined army and navy, with the help of his chief minister, Maximilien de Béthune, Duc de Sully. See R. Purves, “Prolegomena to Utopian International Project”, in Charles Henry Alexandrowicz (ed.), *Studies in the History of the Law of Nations* (Dordrecht: Springer, 1970), p. 105.
2. John Bellers (1654–1725), a Quaker educationalist and friend of William Penn, founder of Pennsylvania. Bellers wrote several tracts on social issues, such as public education, healthcare, poor relief, support for refugees, and abolishing capital punishment. Robert Owen acknowledged the similarity of Bellers’ *Proposals for Raising a College of Industry of All Useful Trades and Husbandry* (1695) to his own attempts to create a utopian community in New Lanark. Karl Marx cited Bellers’ arguments around the exploitative character of capitalist labour relations and the centrality of labour to human nature in *Capital* (chs. 23, 25). Bernstein himself viewed Bellers as a proto-socialist who articulated something akin to a labour theory of value and who offered an early justification of a national healthcare system in *About the Improvement of Physick* (1714).
3. The original edition of Bellers’ treatise from 1710 also incorporated an abstract about Henri IV’s proposal.
4. John Bellers, *Some Reasons for an European State, proposed to the Powers of Europe, by an Universal Guarantee, and an Annual Congress, Senate, Dyet, or Parliament, to Settle any Disputes about the Bounds and Rights of Princes and States hereafter* (London, 1710), p. 20.
5. Charles-Irénée Castel, abbé de Saint-Pierre (1658–1743), French priest and diplomat, and author of *Projet pour rendre la paix perpétuelle en Europe* (1713), abridged version translated as Roderick Pace (ed.), *An Abridged Version of the Project for Perpetual Peace* (Valletta: Midsea Books, 2009). Giulio Alberoni (1664–1752), Italian-Spanish cardinal, soldier, and statesman, and author of a treatise translated as *Cardinal Alberoni’s scheme for reducing the Turkish empire to the obedience of Christian princes: and for a partition of the conquests; together with a scheme of a perpetual dyet for establishing the publick tranquillity* (London: J. Torbuck, 1736). The emphasis on the Catholicism of these two authors is not accidental. The concept of a *Friedensbund* carries resonances of the German Catholics’ Peace Association (*Friedensbund*

- Deutscher Katholiken*), founded in 1919 by Fr. Max Josef Metzger. This coexisted with the more obviously left-republican Combatants' Peace Association (*Friedensbund der Kriegsteilnehmer*), an anti-militarist veterans' association founded, also in 1919, by journalists and intellectuals including Karl Vetter, Carl von Ossietzky, and Kurt Tucholsky.
6. The League of Peace and Freedom was founded by Frédéric Passy and Émile Acolas in 1867, initially to avert conflict between France and Prussia during the international diplomatic crisis caused by the proposed purchase of Luxembourg by the government of Napoleon III. Its supporters included such luminaries as John Stuart Mill, Giuseppe Garibaldi, Mikhail Bakunin, Victor Hugo, Elisée Reclus, and Louis Blanc, but it secured only perfunctory interest from the International Workingmen's Association and its leaders, especially Marx. Nevertheless, it held congresses in Geneva (1867), Berne (1868), and Lausanne (1870), but collapsed after the outbreak of the Franco-Prussian War in 1870.
 7. Yakov Aleksandrovich Novikov (1849–1912), Russian sociologist and professor at the University of Odessa, who published most of his works in French, including the vast *La Fédération de l'Europe* (Paris: Ancienne Librairie Germer Baillière, 1901).
 8. Bernstein uses *englisches Weltreich*, making what in his time was an entirely conventional elision between “English” and “British”.
 9. Bernstein is referring to what is now called the Permanent Court of Arbitration, one of the oldest international dispute resolution institutions in the world, which was established under Articles 20–29 of the 1899 Hague Convention for the Pacific Settlement of International Disputes.
 10. See Michael A. Obst (ed.), *Die politischen Reden Kaiser Wilhelms II: Eine Auswahl* (Paderborn: Verlag Ferdinand Schöningh, 2011).
 11. Max Beer, *“Das Regenbogen-Buch”: Deutsches Weissbuch, österreichisch-ungarisches Rotbuch, englisches Blaubuch, französisches Gelbbuch, russisches Orangebuch, serbisches Blaubuch und belgisches Graubuch: Die europäischen Kriegsverhandlungen: Die maßgebenden Dokumente, chronologisch und sinngemäß zusammengestellt, übersetzt und erläutert* (Bern: Verlag Ferdinand Wyss, 1915).
 12. Bernstein here contrasts *gesetzliche Sicherstellung* (“legal safeguarding”) with *Erzwingung* (“compulsion”).
 13. The *Anti-Oorlog Raad*, founded in October 1914 and led by Hendrik Coenraad Dresselhuys, counted an extensive list of prominent figures among its members, from politicians to academics and jurists, and enjoyed a rapid growth in its support in late 1914 and early 1915, not least among church associations, trade unions, and women's rights groups, culminating in its creation of the *Centrale Organisatie voor een Duurzame Vrede* in May 1915.

14. Edward Price Bell, *A Free Europe: being an Interview with the Rt. Hon. Sir Edward Grey* (London: T. Fisher Unwin, 1916), p. 11.
15. Bernstein translates Grey's "public right" as *Völkerrecht*.
16. Bell 1916, p. 12.
17. *Ibid.*, p. 13. Bernstein translates Grey's "nations" as *Völker*.
18. Hans Delbrück, "Realpolitischer Pazifismus", *Preußische Jahrbücher* 166 (1916). Hans Delbrück (1848–1929), German historian and politician, editor of the *Preußische Jahrbücher* from 1883 to 1920, and one of the German delegates to the Peace Conference at Versailles, who wrote predominantly on the history of the art of war.
19. Theobald von Bethmann-Hollweg, "Rede im Hauptausschuß des Reichstags vom 9. November 1916", in Friedrich Thimme (ed.), *Bethmann-Hollwegs Kriegsreden* (Berlin: Deutsche Verlags-Anstalt, 1919), p. 162.
20. Of these, the *Deutsche Friedensgesellschaft* (German Peace Society), founded in 1892 by Alfred H. Fried and Bertha von Suttner, is the oldest organisation of pacifists and conscientious objectors within the German anti-war movement, while the *Bund Neues Vaterland* (New Fatherland League), founded by Lilli Jannasch and Elisabeth Rotten (among others) in November 1914, was the most significant German pacifist association at the time of WWI.
21. The *Reichsvereinsgesetz* (Reich Law on Associations), passed by Reich Chancellor Bernhard von Bülow in April 1908 in the face of bitter Reichstag opposition by the SPD and Zentrum parties, was a statute that sought to centralise and universalise the application of the right to association across the whole German Reich.
22. Ferdinand Lassalle, "Der italienische Krieg und die Aufgabe Preußens", in Eduard Bernstein (ed.), *Ferdinand Lassalle's Reden und Schriften* (Berlin: Verlag der Expedition des "Vorwärts" Berliner Volksblatts, 1892), pp. 291–364.
23. In the German text, Bernstein also gives the English term for avoidance of doubt.
24. Franz Eduard von Liszt (1851–1919), German jurist, criminologist, and politician associated with the Fortschrittliche Volkspartei (Progressive People's Party) from 1900 until his death, reformist advocate of a historical and sociological approach to international law. He was author of the immensely popular (but now largely forgotten) textbook *Das Völkerrecht systematisch dargestellt* (*International Law: systematically presented*; Berlin, 1888), which was printed in its 11th edition in 1918 at the time Bernstein was writing. Immanuel Kant's *Metaphysische Anfangsgründe der Rechtslehre* is the first part, originally published separately, of *Die Metaphysik der Sitten* (Königsberg: Friedrich Nicolovius, 1797). For a translation, see Immanuel Kant, *The Metaphysics of Morals*, Mary J. Gregor (ed.) (Cambridge: Cambridge University Press, 1991).

25. Leonard Nelson (1882–1927), German mathematician, logician, post-Kantian ethicist, and anti-Marxist socialist, founder (with Minna Specht) of the *Internationaler Sozialistischer Kampfbund* (International Socialist Militant League), a splinter movement comprising expelled members of the SPD and KPD, and author of *Die Rechtswissenschaft ohne Recht: kritische Betrachtungen über die Grundlage des Staats- und Völkerrechts* (Leipzig: Veit & Co., 1917).
26. For details on both David's and Bernstein's speeches, see Susanne Miller, *Burgfrieden und Klassenkampf: Die deutsche Sozialdemokratie im Ersten Weltkrieg* (Düsseldorf: Verlag Droste, 1974), p. 196ff, 208ff.
27. Gottlieb von Jagow (1863–1935), German diplomat and foreign minister of Germany from 1913 to 1916, the first foreign diplomat to be informed of Austria's ultimatum to Serbia during the July Crisis.
28. The *Vierverband* refers to the Allied Powers of WW1, comprising the Triple Entente and (from 1915) Italy after its defection from the Central Powers.
29. *Völkerleben*, "life of peoples", here contrasts with *Staatsleben*, "life in the state", often loosely translated as "public life".
30. The "open door policy", first proposed by US Secretary of State John Hay in September 1899, was a foreign policy designed to keep (initially) China open to trade with all countries on an equal basis, preventing any great power from asserting total control over the country or drawing it into their sphere of influence. The policy was later proposed for extension to the European great powers' colonies as well.
31. The First Moroccan Crisis (or Tangier Crisis) of 1905–1906 and the Second Moroccan Crisis (or Agadir Crisis) of 1911 were two international disputes between Germany and France over the status of Morocco as either a sovereign sultanate or a French protectorate, which led to worsening relations between Germany and both France and Britain, ultimately paving the way to WW1.

International Law and International Politics: The Nature, Questions, and Future of International Law

PREFACE

The work at hand reproduces, with the exception of the final chapter, the content of lectures that I held in the winter semester 1917–1918 at the Workers' Education College [*Arbeiterbildungsschule*] in Berlin. I have made no substantive changes to the transcripts drafted for this purpose at the time, and deliberately left unchanged even those sections from which it becomes apparent that the work was written during the war. However, as a result of various considerations I had to observe in view of the state of war, the sentiments which the war had elicited in me are mostly given expression in it only in gradated form. But something of them still shines through, and it was all the more imperative not to strike out any of it, as the verdict and the fundamental viewpoint of the author have remained the same.

Editorially, I have removed the direct form of address for the book edition, and divided the individual lectures, here presented as chapters, into sub-sections to provide a better overview. A short additional chapter juxtaposes in summarised form the resolutions of the Paris Conference of the Allied powers regarding the fundamental questions of international law with the equivalent resolutions of the international socialist conference that convened at the start of February this year in Bern, and will indicate how much more the latter are suited, in contrast to the former, to making an actual law of peoples a reality.

Not much needs to be said about the necessity to expound to a broader audience what the complex of international accords that we Germans call 'the law of peoples' really signifies. The ignorance and conceptual confusion that reign about it in the people, including the bourgeoisie, make a mockery of all description. What a great danger these pose, and how much they facilitate the work of misdirecting and inciting peoples, became plainly apparent during the war. But the danger is in no way past. Even today, national incitement is the strongest weapon of reactionary parties, who otherwise have little enough to offer to secure for themselves greater support among the people. But the mutilated form in which the promised League of Nations, keenly longed-for by all friends of international peace, will now come into being ensures that questions of international law will still occupy peoples for a long time. May I have succeeded in the heavy task of expounding its nature and meaning in a way that is intelligible to readers not trained in jurisprudence.

Berlin-Schöneberg, June 1919.

Eduard Bernstein.



The Concept and Origin of the Law of Peoples

I ON THE CONCEPT OF THE LAW OF PEOPLES

Today there is much talk about the law of peoples, but the number of those who have a clear concept of what actually constitutes the *nature* of the law of peoples, what its *fundamental guiding ideas* are, and what kind of *provisions* it encompasses, is proportionally small. Then again, among those who understand something of it, one finds very divergent conceptions of its meaning. On one particular occasion, I performed the experiment of asking three persons of more than an average level of education to write down for me separately from one another in a short statement what they understand by the law of peoples. I received three answers, of which admittedly two were similar, but still not fully congruent, while the third departed from both of these actually quite considerably. And I am quite sure that, wherever I repeat the experiment, the result would not be substantially otherwise.

This is hardly surprising. Even among different nations, the terms for what one in German today calls law of peoples [*Völkerrecht*] differ not insignificantly from one another. In Anglophone lands, the name *international law*, proposed by the philosopher of utilitarianism J. Bentham, has become established for this. Previously, the French talked of the *droit des gens*, literally translated: the right of peoples [*Recht der Völkerschaften*], an expression derived from the Latin phrase *jus gentium*, but which, as we will soon see, originally probably meant something quite different to what

our German word *Völkerrecht* signifies today. And lately, the French and with them the other Romance nations speak of the *droit international* (Italian, *diritto internazionale*; Spanish, *derecho internacional*), translated international *right* [*Recht*], which again does not quite convey the same as the expression international *law* [*Gesetz*]. We associate with the word law [*Gesetz*] the concept of a certain ordinance, while the expression right [*Recht*] is connected to the quintessential embodiment of recognised fundamental rules of law. Finally, the Russians have the phrase *narodnoye pravo*, which one ought to translate as people's right [*völkisches Recht*]. Without thereby already taking a position in this conceptual dispute, we shall retain in what follows the customary German phrase law of peoples [*Völkerrecht*].

If we now move from the name to the *concept*, we come up against a fact in the textbooks about the law of peoples which will come as a surprise to many who have not concerned themselves more closely with the matter. About four decades ago, a young national of a Balkan state, who was studying jurisprudence in Berlin and was about to face his doctoral exam, expressed it very drastically. He told his acquaintances, to whom the author of this work then also belonged, that in the verbal defence, he would take the line that the *law of peoples* was neither a *law* [*Recht*] nor concerned itself with *peoples*.¹ But if one consults the textbook of one of the most respected contemporary German theorists of international law, namely, the book *International Law* by Dr. Franz von Liszt, Professor at the University of Berlin and parliamentary representative of a major party [*Volkspartei*], one finds the concept of the law of peoples defined in the following way right at the start of the work:

The law of peoples (more properly *the law of states*) is the embodiment of the legal rules through which rights and duties of *states* belonging to the international community of states (the community of the law of peoples) are determined among one another, in particular with respect to the exercise of state sovereignty rights.²

In his fuller justification of this statement, Liszt also observes that “since *not peoples*, but rather *states* are subjects of the law of peoples”, the expression “*law of states*” used by Kant in his 1797 treatise *The Metaphysical Fundamental Principles of Jurisprudence* commended itself

most of all, and he adds: "The law of peoples has to do only with states as *states*, that is with respect to the exercise of *state sovereignty rights*." One sees that here peoples, as directly affected by the law of peoples, disappear completely.

However, in a textbook by an eminent English international legal theorist, namely, the work *The Principles of International Law* by T.J. Lawrence, a man who lectured not only in England but also in America, at the University of Chicago, we find our matter explained in the first paragraph as "[t]he rules which determine the conduct of the general body of civilized states in their dealings with one another."³ But Lawrence assesses this explanation only as an approximation of the nature of the matter. Although the expounders of the law of peoples, he writes, have over time converged somewhat with respect to its formation into a unified doctrinal system, they have *not yet* come to a *complete agreement* about the exact *character* of its derivation. All explanations have appended to them something of the peculiar views of the framer in question, and here his own was no exception. His view, he says, regards "International Law, not as an instrument for the discovery and interpretation of a transcendental rule of right binding upon states as moral beings whether they observe it or not in practice, but as a science whose chief business it is to find out by observation the rules actually followed by states in their mutual intercourse, and to classify and arrange these rules by referring them to certain fundamental principles on which they are based."⁴

A scholar belonging to the family of Romance peoples, the Belgian Ernest Nys, at that time Professor at the University of Brussels, argues with great energy in his 1894 book about the origins of international law (*Les Origines du Droit International*) for the idea that the law of peoples "has a *juristic* character and is *not solely* a *morality* for states".⁵ Unlike those who consider the expression right [*Recht*] not applicable where prescriptions are not furnished with threats of punishment, and where the legal authority for executing a punitive sentence is lacking, he argues that the existence of right is independent of the application of punishment.

Like this highly regarded researcher, who was a member of the international *Institut de Droit International*, a German international legal theorist of great reputation, the late Ludwig von Bar, energetically rejects in his treatise *Foundation and Codification of the Law of Peoples* the doctrine that declares the will of *states*, as it has come to be expressed through custom and international conventions, to be the actual source of the law of peoples.

For him, the final source of the law of peoples is “justice [*Gerechtigkeit*], which *stands above the will of states* and applies immediately and always”.⁶ In other words, to put him into conversation with Lawrence, Bar sees in the law of peoples precisely a *transcendental* right, that is, one independent of resolutions, which can be traced back to principles of ethics.

Now which one should we go with? If we want to describe the *actual* situation of the law of peoples, as it applies in practice or at least applied until the outbreak of the current war, we will do best if we take as a basis the explanation that Liszt gives in the first quoted book. In this sense, the law of peoples enjoyed general recognition by all nations that belong to the so-called community of the law of peoples [*Völkerrechtsgemeinschaft*]. One understands under this latter phrase the totality of states which have expressly declared the rules of mutual intercourse laid down in general treaties and conventions of civilised states as binding for themselves and which Liszt in summary wishes to be conceived as a “*purposive association of states*” resting on the principle of cooperation [*auf dem genossenschaftlichen Prinzip*].⁷ How far Liszt’s explanation of the concept of the law of peoples lends itself to being modified or supplemented will only become apparent when we have become more closely acquainted with the nature and the content of this actually obtaining law of peoples. Professor Lawrence says quite correctly that, with international law as in other sciences, a good explanation is the *final outcome* of research. Only when we have become precisely acquainted with a matter will we be able to say with certainty how it should best be identified through a synoptic conceptual definition.

2 THE ORIGIN OF THE LAW OF PEOPLES

Now, one can enquire into the nature and content of an object by taking it in its normal condition and methodically dissecting it regarding its construction and effect. At least one will know then what it looks like and what it signifies. But with that, it is not yet guaranteed that we understand it completely correctly. Its true nature and meaning only become clear to us if we have also acquainted ourselves with its emergence, its coming-into-being. That is how the natural sciences have proceeded in their research domains for a long time now, that is how things have happened in various branches of the humanities with great advantage for their insights, and that is what we want to do with our object as well. All its scientific teachers concur that the law of peoples is *not settled law*

[*abgeschlossenes Recht*]. Moreover, it does not even have a systematically organised legal code, divided into chapters and paragraphs—that is, it is not, as the technical expression for this goes, *codified*. Rather, it consists merely of a series of *conventions*, which emerged over time and were progressively expanded until recently through new treaties or accords. In this way, it is something that is in constant motion, and we will therefore best comprehend its nature if we go back in history to its earliest beginnings and examine from which necessities and ideas it emerged in the first place.

Now admittedly, this is not a very easy matter. The textbooks of international law that we have only go back to the time in history where states or statelike collectivities appeared, for whose intercourse, if not in war *and* peace then still in respect of war, certain recognised rules came to apply successfully. But the germs of the law of peoples surely lie much further back. We know from ethnology that even among so-called wild tribes [*Völkerschaften*], there were certain rules that they observed in intercourse with one another. Now this intercourse, admittedly, is primarily *war*. In the history of mankind, as it emerged from the animal kingdom and crafted tools for itself, war is the original condition, it is, as Marx once expressed it, there “earlier than peace”.⁸ This, of course, is not to suggest that it is the normal condition of mankind. Quite the opposite. The cultural history of mankind is an often interrupted and not uncommonly even frustrated but ever newly resurgent *overcoming of war*. The point of view that wants to make war out to be the normal condition of mankind corresponds factually only to the intellectual *niveau* of barbarian ages. Wild and half-wild clans regard their relations to other clans—as entailed by their living conditions, which have as their result the struggle over hunting grounds, later over animal pastures, and still later over arable land—substantially under the aspect of war, and this way of thinking still prevails among the states of antiquity. But even here, war does not mean uninterrupted murder, and it does not take place entirely without rules. Certain rules established themselves for the initiation of hostilities, for the treatment of negotiators, for dealing with an enemy’s wives and children after their husbands and fathers had been killed, of which most are observed as stringently as legal prescriptions, although no written law [*Gesetz*] exists about them and there is no authority to punish non-compliance with them.

To which impulses is the emergence of these rules to be attributed?

We have no conclusive records about this. Often they are connected with certain superstitious notions, as is also the case with some very gruesome practices, for example, with cannibalism, which is frequently even

practised as a religious act. But this does not rule out that it—or some such rule or other—also goes back to ethical concepts. For it is untenable to assume that primitive peoples do not also have ethical or legal ideas, however quaintly crude they may be. Communal life in the horde and later in the clan presupposes the existence of such ethical concepts or rules, which probably primarily come to people's minds as customs, since at earlier stages of civilisation, *law* and *custom* cannot yet be divided and are partly descended *from the same root*. Not erudite thinking, but rather *custom*, decides what is right [*Recht*], but since custom must also have had a source rooted in some kind of consideration, one cannot dispel the idea that it is underpinned by sentiments or impressions that are connected with notions of right and wrong [*Recht und Unrecht*]. If travellers from the civilised world [*Kulturwelt*] who encountered savages did not recognise this from their statements, the explanation for this lies in the fact that concepts of what is right and wrong among savages are wholly different to what the civilised man understands by them. The savage conceives of abstract concepts of right and wrong as little as a child does; he knows only usage [*Gebrauch*] and custom [*Sitte*], and only ever traces the rules of his behaviour back to these. In a particular case, he acts in this way or that because it is customary in his clan or his tribe.⁹ Often, he adds that it has been that way since time immemorial and identifies some god, demigod, demon, or honoured ancestor as the custom's author.

Who should be surprised that the war conduct of savages and barbarians was—or rather is—exceedingly gruesome? One must not forget that among peoples who live in the primitive condition of a horde or a clan, or rather of a nomadic or only newly settled people, a *concept of humanity does not yet exist* and also *could not exist* at all. The savage has not learned to take into account the feelings of other living creatures, insofar as *interest*—as with pets or domesticated animals—or a superstition, fetishism, or totemism does not prescribe this, so that a clan outsider is in this regard no closer to him than an animal. That human life is something sacred is a consideration that lies far from his way of thinking. Even within the clan or the horde itself, human life mostly carries very little value. Savages kill for the pettiest reasons, and many travellers who have researched the life of savages realise with consternation how indifferently they accept it when parents beat their children to death in anger.

The American Lewis H. Morgan, who studied in the Iroquois Indian tribe the life of a people which still occupied the lowest rung of barbarism, and whose customs and opinions did not differ substantially from those of

other Indian tribes, observes that among them each tribe was regarded on principle as being in a state of war with every other tribe with whom it had not explicitly concluded a peace agreement. The same can be said of all peoples who belong to this stage of development. The sagas and heroic poems of the Nordic peoples, like those of the peoples of the Orient and the mythology and heroic tales of the Greeks, either express this directly or clearly let it be implied that the perceived relations of clans and tribal associations towards one another were not substantially different anywhere. Everywhere at these stages of development prevails the same condition, which Friedrich Engels describes with these words in his book about the origin of the family, private property, and the state, in which he follows Morgan's investigations:

Where no express treaty of peace existed, war raged between tribe and tribe; and war was waged with the cruelty that distinguishes man from all other animals and which was abated only later in self-interest.¹⁰

According to the Bible, fifth book of Moses, seventh chapter, the God of the Hebrews let the following commandment be promulgated through Moses when they moved to Palestine:

When the LORD thy God shall bring thee into the land whither thou goest to possess it, and hath cast out many nations before thee, the Hittites, and the Girgashites, and the Amorites, and the Canaanites, and the Perizzites, and the Hivites, and the Jebusites, seven nations greater and mightier than thou; and when the LORD thy God shall deliver them before thee; thou shalt smite them, and utterly destroy them; thou shalt make no covenant with them, nor shew mercy unto them.¹¹

In the first book of Samuel, Chapter 15, however, it is told that at the time that the Hebrews had already conquered and settled in Canaan, and brought it to a stage of development where the mere confederation of tribes no longer sufficed and the kingdom emerged, Samuel the high priest proclaimed the following "commandment of the Lord" to Saul, who was taking to the field against the Amalekites:

Now go and smite Amalek, and utterly destroy all that they have, and spare them not; but slay both man and woman, infant and suckling, ox and sheep, camel and ass.¹²

Saul did as he was commanded, it is told, but left the king of the Amalekites Agag alive by simply taking him prisoner, and further allowed his soldiers not to kill the livestock of the Amalekites that was worth taking but rather take possession of it and carry it off. Thereupon Samuel's tremendous rage because of this disobedience. He predicted Saul's imminent downfall, cut Agag "to pieces before the Lord in Gilgal" and thenceforward no longer allowed Saul to come before him.

But at the same time, the Old Testament tells us from this time that treaties were regarded as sacred and that the mistreatment of envoys counted as a moral turpitude. Further, it differentiates between the law [*Recht*] governing the tribes' behaviour against foreign and against Hebraic tribes. One also finds prescriptions like the following rule of war from the 20th chapter of the fifth book of Moses, in which some detect the beginning of a true law of war:

When thou shalt besiege a city a long time, in making war against it to take it, thou shalt not destroy the trees thereof by forcing an ax against them: for thou mayest eat of them, and thou shalt not cut them down (for the tree of the field is man's life) to employ them in the siege: Only the trees which thou knowest that they be not trees for meat, thou shalt destroy and cut them down; and thou shalt build bulwarks against the city that maketh war with thee, until it be subdued.¹³

And from a more advanced time, we discover in the sixth chapter of the second book of Kings that about 500 years after the conquest of Canaan and nearly 200 years after the rise of the kingdom, the prophet Elisha replied as follows to one king of Israel, who arrived at Samaria and conquered it, and asked whether he should subdue the population:

Thou shalt not smite them: wouldest thou smite those whom thou hast taken captive with thy sword and with thy bow? Set bread and water before them that they may eat and drink, and go to their master.¹⁴

We know more precisely than about the law of war and the relationship of the tribes to one another among the Hebrews about the historical *Greeks*. Here we find federal treaties of Hellenic tribes with one another, which can undoubtedly be described as the germs of a later general law of peoples. These are the articles of the so-called *amphictyonic leagues*, treaties, or accords of tribes living in closer proximity, through which they among other things obligated one another to more clement treatment in times of war than was the case for non-Hellenes or Hellenic outsiders.¹⁵

Nevertheless, the amphictyonic leagues were primarily alliances for the protection of a shared shrine and to that extent had a cult as their central focus. But this is no reason to dispute their significance for the emergence of the law of peoples. Where the cult was still so tightly connected to state life as with the peoples of the old world and—to mention this here as well—in the Middle Ages, the imbrication of such treaties with cultural institutions cannot be regarded as a reason to deny their political character. The fundamental principles that underpinned the amphictyonic leagues' articles of association formed the “laws of the Hellenes” (*ta nomina ton Hellenon*), to which poets and orators often refer, and whose non-observance in war they castigate as a particular offence. Thomas A. Walker, a more recent English lecturer in international law, writes about this in the first volume of his *History of the Law of Nations*:

The Amphiktionic council, which has been by some erected into a board of international arbitration after the model of the Kantian scheme, was in truth a religious, not a political, assembly, but nevertheless did operate as a symbol of international good fellowship, and to a certain degree as an active international agent. An Amphiktiony was in essentials a confederation of neighbouring States for the protection of some common temple and its worship, and to the providing of that protection were mainly directed the terms of the Delphic Amphiktionic oath [Ed. B. — the chief oracle of Greece]. That oath even went the length of prohibiting the utter destruction of an Amphiktionic town, and the cutting off of the water supply of a besieged city.¹⁶

Admittedly, Walker adds that this early attempt to limit mutual acts of violence was more necessary than it was effective. When the Delphic amphictyonic league engaged in worldly matters, it acted more as a tool for invading Macedonia than as an institution of international right. Meanwhile, even well into our enlightened times, a great difference can be discerned between what people declare to be right and what they actually abide by and do. But, in the first instance, we are concerned with demonstrating the development of peoples' legal opinions regarding our object. There is also no shortage of cases where, with respect to limiting the atrocities of war, the amphictyonic leagues actually worked in the way determined in the prescription above, whose stringent observance not even those nations have managed to achieve which today pride themselves on marching at the forefront of civilisation. And that amphictyonic leagues restricted themselves to tribes of the Hellenic race was understandable enough at a time where extensive international intercourse between peoples had not yet developed. They represent, like the association of the

Hebrews, a step forwards in their development compared to the condition that prevailed among most of the Indian tribes at the time of their first encounters with Europeans and among the Germanic peoples at the time of Caesar in the last century BC.

Incidentally, the more the Greeks' external trade developed—that is, their trade and intercourse with non-Greek peoples—the more broadminded opinions formed among them regarding the law of war towards foreign peoples. The historian Xenophon, who lived around the year 400 BC, offers an example for this in his *Cyropaedia*, a book that describes the life history of the Persian king Cyrus almost in the style of a novel and is thereby often tendentious insofar as it develops basic principles of education that probably express more the ethical and legal opinions of the writer, who was a student of Socrates, than they portray reality. Xenophon lets his ideal king conclude an agreement with an enemy to the effect that, on both sides, crop farmers in rural areas would be spared in times of war and that hostile actions would remain limited only to the *armed people*. A basic principle that took a long time to be applied even among Christian peoples and, as we shall see, is already being opposed as impractical by one side in particular.

Likewise, the Greek Plutarch recounts that in the year 371 BC, the Greek tribe of the Thebans, under the leadership of the high-minded Epaminondas in their war against the Spartans, could not resolve upon bringing human sacrifices before the decisive battle at Leuktra, according to their old custom, but instead declared this to be godless and barbaric. Yet a hundred years beforehand, before the battle of Salamis, the Athenians, who were significantly more culturally advanced than the Thebans, did not consider it unseemly to abide by that old custom.

While the Greeks to a great degree have left behind ethical works of world-historical significance, we owe to the *Romans* the first systematic elaboration of a *legal system*. The Romans were the original *juristic* people, and with them, the germ of the law of peoples, as we have come to know it hitherto, underwent a stronger expansion as well. Originally, as far as one can establish this, they behaved towards other peoples or tribes in a similar way to the Greeks, as whose descendants they eagerly described themselves. They concluded federal treaties with paronymous [*stammverwandten*] neighbours, or with those they regarded as such, and differentiated between paronymous and foreign tribes [*stammesfremden Völkerschaften*] even without such treaties. Now, for a portion of the fundamental principles by which they regulated their intercourse with other

peoples, the use of the expression *jus gentium* appears among the Romans, a name from which derives not just the French term *droit des gens* but also our German term *Völkerrecht*. But originally it meant something completely different.

Jurists have long agonised over how to determine the concept of this *jus gentium* more precisely. For with the Romans, it coincides neither with the law of war, *jus belli*, nor with the civil law, *jus civile*, nor with the natural law, *jus naturale*, as this latter one was understood at a later stage. Why not? Doubtless because originally and for a long time, it was a right [*Recht*] that concerned neither the relations of peoples to one another nor natural or other rights of the individual or the person. We will come closest to its original meaning if we translate the phrase as it must be translated according to the original meaning of the word *gens*, namely, as *law of clans* [*Sippenrecht*]. The Roman *gens* is the kinship group [*Geschlechtsverband*], bound together by blood ties, which we encounter among all peoples at a certain stage of civilisation and for which in German we have the word *Sippe*. The Roman people subdivided itself into tribes and clans in such a way that one tribe encompassed a greater or lesser number of clans and appeared for certain more general purposes as a unit, while for other purposes, the clans (Latin, *gentes*) formed the legal units, and thus the *jus gentium* circumscribed the mutual legal relations of the latter as well as their status in the state. In my opinion, we have to look in this fact for the explanation of why this law bears features both of human rights [*eines Menschenrechts*] and those of a law of peoples [*eines Rechts der Völker*] and is sometimes regarded by jurists as a mutation of natural law, *jus naturale*, and sometimes as equivalent to the bourgeois private law, *jus civile*, enacted by the state. For the clan is primarily just an extended family, which especially also practices certain cultural activities together, and that is how one should understand the affinity of the *jus gentium* with natural law. But it is also, after all, a collectivity and as such in turn somewhat similar to the tribe. With the growth of Rome, the law of *gentes* had to take on ever more the character of a general right [*Recht*] and manifest as the law governing people's and states' intercourse with one another. On the other hand, however, no more precise law of war and peace among states could be derived from the *jus gentium* alone.

For declarations of war and peace settlements, in addition to the conclusion of treaties, the Romans had a particular institution, the priest-like college of the fetials, and a particular law, which hereafter was called the *jus fetiale*.¹⁷ The fetial priests were those who preserved the public observance

of contracts. Without their involvement, as it says in the textbook on Roman legal history by Guido Padelletti, published in German by Holtzendorff, no just and orderly war existed.¹⁸ The oldest formulations of the *jus fetiale* show us the comparatively elevated concept of right which the Italian states had attained even with regard to war. At the time of the kings—that is, where Rome entered into history, so in the eighth century BC—and also still in the early days of the Roman republic, no war by this people of warriors and conquerors was deemed to be just or godly that was not preceded by the rejection of a formal demand for the fulfilment of obligations or the rectification of damages, a demand that was communicated to the relevant people with a certain ceremony by a fetial priest acting as a herald. If the satisfaction demanded did not follow within 33 days, the herald was despatched to declare war by hurling a javelin dipped in blood into the enemy's territory. Similar formalities were prescribed for the conclusion of treaties that took place at the behest and in the name of the Roman people, and it was the fetials' task to monitor the observance of these treaties. When the institution of the fetials—which, as mentioned above, had a *priestly* character—later fell into decay, the sense of the immunity of emissaries and of their stringently delimited rights and obligations remained strongly in effect. But the infringement of these rights and obligations was now described as an infringement of the *jus gentium*. With the historian Livy, who lived at the time of Augustus, so around the year 1 AD, and even with the later historian Sallust, we repeatedly come across the usage of this expression with respect to the rights of emissaries. But in how high a regard the Romans held these rights and the obligations attached to them emerges from the following facts, which Livy recounts. Some emissaries of the banished king Tarquin became involved in a conspiracy for the restoration of the kingdom, and after the conspiracy had been discovered, and the other conspirators thrown into chains, it was resolved after some discussion, by contrast, to respect the *jus gentium* with regard to the emissaries and to release them. Conversely, the behaviour of Roman emissaries, who were despatched to the Gauls to induce them not to attack the town of Clusium, but who then participated in the battle against them, was declared to be an infraction of the *jus gentium*; though their leader was not delivered up to the Gauls, as these demanded, he was still put on trial in Rome and, it is told, escaped punishment only through his voluntary suicide.

The Romans' law of war, which in war itself was originally almost more brutal than that of many other peoples in that era, and long preserved some brutal aspects, was mitigated in some respects over time as Rome

became a world state. A cosmopolitical humanitarian sensibility [*kosmopolitisches Menschheitsempfinden*] developed and found warm-hearted advocates among philosophers and high-ranking political leaders, among them several emperors.¹⁹ But it could never come to the formation of a law of peoples in the sense understood by international legal scholars today, namely, as a right of and between states, as Rome originally concluded treaties with states as individuals, and later as the dominant world power encompassed the entire civilised world and dealt externally only with peoples at the stage of barbarism. Accordingly, the *jus gentium* was substantively an internal law of the Roman Empire or the embodiment of certain rules of intercourse between peoples for a very few specific relations. The incursion of the barbarians into Rome and the overrunning of the empire by the Teutons and their related tribes set back its entire development. The Roman world peace, the *Pax Romana*, gave way to devastating wars. Wild plunder and destruction of cities and senseless devastation of lands characterised the overrunning and conquest of the Roman Empire by the Germanic tribes. Ascendant Christendom for a long time proved itself incapable of navigating this return to the warlike customs of the most barbaric ages. For a long time, there was no talk of an international association of states. Only centuries later, after the migration of peoples had settled down, and fostered by the aftereffects of the cooperation between Christian peoples during the crusades, did the idea again take root in the public spirit and was taken up by the now-invigorated Roman Papacy.

But even the Church did not succeed in elaborating a law of peoples and did not go beyond warnings about mitigating the conventions of war, such as sparing non-combatants and those who surrendered willingly. Likewise, the Frankish Empire founded by Charlemagne and its successor, the Roman Empire of the German Nation, brought about no meaningful advance for the entire duration of the Middle Ages. This empire did not even manage to secure an internal peace equivalent to the *Pax Romana* within the confines of its territory. Its history is the history of eternal battles by feudal lords among one another or against cities, as well as their liege lords, in order to form and enlarge nearly sovereign territorial lordships, the local principalities [*Landesfürstentum*]. For entire centuries, the rule by force or right of feud [*Faust- oder Fehderecht*] by the feudal lords was the bane of the nation. The Church tried to control it through the so-called peace of God [*Gottesfrieden*], and Emperor and princes through the *public peace* [*Landfrieden*].²⁰ The *peace of God* (Latin, *treuga Dei*), which was declared for the first time in France in 1041, ordered feuds to

be limited to certain days—from Wednesday evening to Monday morning—under pain of excommunication and financial penalties, and later forbade them for the whole periods of Advent and fasting. Further, it mandated that certain categories of people, like clergy, monks, travellers, farmers, women, and so on, should be spared from feuds and likewise for certain kinds of property. The *public peace*, decreed either by the Emperor for the whole Empire or by princes for their land, established a full or partial restriction of the right of feud for certain periods. Thus, the first of these ordinances, the public peace declared at Mainz by Emperor Heinrich IV in 1103, determined that for four years, no feuds should be fought. How far it was possible to carry out to the letter the determinations established by the peace of God and the public peace must remain undecided; depending on the power relationships of the worldly and spiritual princes on the one side and the feudal lords on the other, they will have been transgressed more or less frequently. The rising strength of the cities and the spread of trade and intercourse not only placed limits on the feuds of the nobility but also created an ever more acute desire for their general suppression, which moreover also lay in the interest of the local princes, and was frequently enforced by them in their territories. Thus, on the eve of the era of the rise of capitalism, it came about that in 1495, Emperor Maximilian I declared at Worms a *perpetual public peace*, which once and for all forbade all private feuds and imposed strict punishment on them.²¹ A special imperial court of appeal [*Reichskammergericht*] was set up for sentencing, and the Empire was divided into public peace districts [*Landfriedenskreise*], whose responsibility was to monitor the observance of the public peace. Naturally, the prohibition could not be enforced everywhere immediately, and it took a few more generations until private feuds completely disappeared from German history.

To the extent that independent kingdoms detached themselves from the former world empire, or near-fully sovereign principalities formed in its domain, and cultivating and securing external trade became a growing desire for these states, the demand also grew for generally recognised rules to differentiate between combatants and non-combatants, and participants and neutrals in war, as well as for the intercourse among states and their subjects in peacetime. It found its expression in agreements and treaties from which our modern law of peoples emerged. In the sixteenth and seventeenth centuries, it finds its first great theoretical pioneers, among whom the Spaniards Franciscus a Victoria and Fernando Vasquez; the Frenchman Jean Bodin, mostly known by the Latinised

Bodinus; and the Dutchman Hugo Groot, better-known under his Latinised name Grotius, stand out.²² The latter's six-volume work about the law of war and peace counted for a long time as the classic work of international law and is still readily cited even today.²³ The first German who was recognised as a renowned theorist of international law was Samuel Pufendorf.²⁴

However, before we turn to describe this emerging modern law of peoples, we have to consider another great people, whose empire belonged to the early Middle Ages, and which far outranked the contemporary peoples of the Western world [*Abendländes*] as regards introducing a more humane kind of conduct in war. These are the Arabs under the influence of the teachings of Muhammed, which were taken up and spread by them. The war conduct of the Saracens, as the Arabs were most often known, differed in the first centuries of their empire very favourably from the conduct of their Christian contemporaries. In the prescriptions that Abu Bakr, the first Caliph after Mohammed, had impressed upon his troops at the start of his Syrian campaign, it states after the injunctions to fight without fear of death as warriors for God's cause:

If God gives you victory, do not abuse your advantage, and beware of besmirching your sword in the blood of him who surrenders himself. Do not trouble the children, the women and the men weak with age, who you may come across among your enemies. When you move through the enemy's country, do not knock down any palm trees or other fruit trees, do not destroy the fruit of the earth, do not devastate any fields, do not burn any dwellings, and take from the storerooms of your enemies only what you need for your own use. ... Treat the prisoner and him who surrenders to your mercy with compassion, as God shall do to you in your need, but trample down the proud and the insubordinate, and do not fail to destroy all those who have broken the conditions imposed upon them. May there be no deceit nor falsehood in your treaties with your enemies, be true in all things, show yourself to be always upstanding and gallant, and righteously keep your word and your promise.²⁵

The history of the Saracen wars offers many examples in the first centuries that these and similar did not remain empty words. How the empire of the Saracens dwindled, and how Islam one day appeared as the destroyer of the culture of its time, does not belong in our enquiry. But even our time could still learn in many ways from what it accomplished in that era regarding a nobler humanity in the conduct of war.

NOTES

1. It is unclear who Bernstein has in mind here.
2. Franz von Liszt, *Das Völkerrecht: systematisch dargestellt* (Berlin: Verlag O. Haering, 1902 [1888]), p. 1.
3. Thomas J. Lawrence, *The Principles of International Law* (London: Macmillan, 1895), p. 1. Thomas Joseph Lawrence (1849–1919), British-American jurist and philosopher of law.
4. Lawrence 1895, p. 2.
5. Ernest Nys, *Les Origines du Droit International* (Brussels/Paris, 1894), p. ii. Ernest Nys (1851–1920), Belgian lawyer and academic and later member of the Permanent Court of Arbitration.
6. Ludwig von Bar, “Grundlage und Kodifikation des Völkerrechts”, in *Archiv für Rechts- und Wirtschaftsphilosophie* 6(1) (1912), pp. 145–158. Carl Ludwig von Bar (1836–1913), German criminal and international jurist and one of the founders of private international law.
7. Liszt 1902, pp. 2–3.
8. Karl Marx, *Economic Manuscripts of 1857–58*, in Marx and Engels, *Collected Works, vol. 28: Marx 1857–1861* (London: Lawrence & Wishart, 1986), p. 45.
9. [Ed. B.—Which, incidentally, civilised men also do to a much greater degree than they admit to themselves.]
10. Friedrich Engels, *The Origin of the Family, of Private Property, and the State*, in Marx and Engels, *Collected Works, vol. 26: Engels 1882–1889* (London: Lawrence & Wishart, 1990), pp. 203–4.
11. Deuteronomy 7:1–2.
12. 1 Samuel 15:3.
13. Deuteronomy 20:19–20.
14. 2 Kings 6:22.
15. In Archaic Greece, before the rise of the *polis*, an amphictyony (or amphictyonic league) was a religious association of Greek tribes to govern some aspects of their mutual relations, usually regarding shared use of temples or sacred places.
16. Thomas A. Walker, *A History of the Law of Nations* (Cambridge: Cambridge University Press, 1899), p. 39.
17. In Ancient Rome, the college of fetial priests, who were devoted to Jupiter as the patron deity of oathkeeping and good faith, advised the senate on foreign affairs, including declarations of peace and war, concluding treaties, and other aspects of diplomacy.
18. Guido Padelletti (1843–1878), Italian jurist and authority on Roman law, author of *Lehrbuch der römischen Rechtsgeschichte*, Franz von Holtzendorff (tr.) (Berlin: Habel, 1879).
19. Bernstein is presumably here thinking of Marcus Aurelius.

20. The “peace and truce of God” (*pax et treuga Dei*) was a Church-led movement to apply spiritual sanctions to limit feuding and the violence associated with them, and the “public peace” (*Landfrieden* or *pax instituta* or *jurata*) was the secular equivalent by rulers asserting their legal claims in their territorial jurisdictions.
21. The 1495 Diet of Worms was one of the most comprehensive attempts at structural and constitutional reform of the Holy Roman Empire, including an Eternal Peace (*Ewiger Landfriede*) permanently outlawing feuds, the creation of the Reich Chamber Court (*Reichskammergericht*) as the highest judicial institution, and introducing the short-lived common penny (*Gemeiner Pfennig*) imperial tax to fund the military exploits.
22. Francisco de Vitoria (1483–1546), Spanish philosopher, theologian, and jurist, who made particular contributions to just war and international law theory. Fernando Vázquez de Menchaca (1512–1569), Spanish humanist and jurist, scholar of Roman and canon law, made contributions to private international law. Jean Bodin (1530–1596), French jurist and theorist of the state, founder of modern concepts of sovereignty. Hugo Grotius (1583–1645), Dutch jurist, made major advances in both natural law and international law theory.
23. Hugo Grotius, *De jure belli ac pacis* (Paris, 1625), translated as *Rights of War and Peace*, Richard Tuck (ed.) (Carmel, IN: Liberty Fund, 2005).
24. Samuel von Pufendorf (1632–1694), German jurist, political philosopher, economist, and historian, who developed the ideas of Grotius and Hobbes on natural law and the law of nations.
25. Abu Bakr (573–634), senior companion, father-in-law, and designated successor (as Rashidun Caliph) to Muhammad as leader of Islam.



The Beginnings of Modern Law of Peoples: The Law of Peoples in Peacetime I

1 THE LEGAL FOUNDATIONS OF INTERCOURSE BETWEEN PEOPLES

The modern law of peoples is fundamentally built on international *treaties* and on traditional *customary laws* equated with them. It could develop as a law of contract only when the two great powers of the Middle Ages refrained, and had to refrain, from proclaiming binding laws to peoples about their behaviour as masters of the world. These powers were the *Roman Church* on the one side, and the *Roman Empire of the German Nation* on the other. That the Church felt itself called to prescribe for peoples such rules for their behaviour towards one another is understandable enough and was surely not a reprehensible idea, for it conformed fundamentally to the doctrines of Christianity which the Church wanted to safeguard. It clearly exercised a certain influence in worldly matters as well, in the interests of the cohesiveness of Christendom, and popes frequently acted as peacemakers. But the Church's power over people's minds was not strong enough to guide states in their struggles of power and interest, and besides, the Church soon became far too involved in worldly concerns and struggles of interest to be recognised as an impartial authority by the rising nations. For its part, the Empire was able to present itself as a lawgiver wherever it appeared or sought to appear as

sovereign or overlord, but it could not take on the role of a contracting power [*Vertragsmacht*]. A treaty presupposes contracting parties with an autonomous will, which are independent of one another with regard to the object about which they are concluding a treaty. Hence, the Empire could prescribe laws for the peoples subjected to its power, but it could not by its own power create a law of peoples. The writers of the Late Middle Ages who address questions of international law thus take as their starting point either the *jus gentium*, constituted according to *natural law*, or they refer to customary laws that counted as generally recognised, as well as fundamental principles of Roman and Church, that is, canon law, which overlap with the domain of the intercourse of peoples and states. But natural right does not have the strength of obligating laws [*verpflichtender Gesetze*], but only binds those who recognise it morally, while canon law was not recognised as binding by states who had achieved their autonomy precisely for their intercourse with one another.

We find the first forerunners of the contractual law of peoples in the accords of the commercial towns and trade associations of various nations, which were intended to *secure free maritime trade and traffic*. The common interest in security against pirates and the use of various armatures, pilot routes, and so on first created such agreements among residents of the Mediterranean. The most far-reaching of these was the maritime law called *Consolato del Mare* in the Middle Ages, whose creation goes back to the eleventh century and consists of a compilation of traditional and newly added accords that were in effect in Barcelona around the fourteenth century. Similar conventions applied to trade in the North Sea and the Baltic. Maritime law forms one of the most important articles of the law of peoples, whose exact determination, as one knows, is still contested even today. The fundamental principle that forms its starting point, that *the open sea* must be as free to everyone who can navigate it as the use of the air, has in principle actually never been challenged. But at various times, considerable argument has raged over where the boundaries of the open sea lie and how far the rights of riparian states extend over the waters that lap their shores, how far they can exercise over these the fundamental principle of the *closed sea* (*mare clausum*), a concept that only applies unchallenged to those bodies of water that are connected to the open sea through broad waterways but are enclosed by the territory of a single state. The argument over this question almost always played out between states that already wielded great maritime power and those that had lagged behind them or were only just building up their maritime power at all.

Interesting though the history of this *struggle over the sea* is, which played out especially fiercely in the era of discovery between Spain, Portugal, England, and the Netherlands, and to which is devoted a famous work by Grotius from the year 1609, we cannot go into it here but must instead restrict ourselves to representing the contemporary state of affairs and the problems of our time.¹

In his *International Law*, Liszt formulates the authoritative and generally recognised fundamental principle of this legal situation today as follows:

The international legal principle of the freedom of the seas rules out any state mastery over the open sea. Every original or derivative acquisition of territorial sovereignty over parts of the open sea is impossible under international law. The sea is in this sense not *res nullius* (unowned), but *res communis omnium* (the shared object of everyone). Every state has the right to let trade vessels and war ships navigate the high seas under its flag and under the exclusive jurisdiction of its laws in times of peace as well as war, and to exploit for itself by fishing the inexhaustible wealth which the ocean depths provide. In war, notwithstanding the rights of neutrals, the sea also belongs to the theatre of war.²

Even though this fundamental principle has been generally recognised for generations, its application has still given cause for disputes, precisely because the concept of the open sea was construed differently by various states.

The restrictions on the right to the sea in force today consist in granting *riparian states* the right to exercise their *own rights of sovereignty* up to a certain distance over their coastal waters. This distance was measured by declaring as coastal waters those waters which the riparian state could command from the shore with their beachside batteries. And for a long time, a space of three nautical miles (just over 5 kilometres) was calculated for this, measured from the lowest water level at low tide. But more recently, since guns of ever-greater range have been manufactured, a stretch of sea 10 nautical miles (16 kilometres) wide has been claimed by, and also awarded to, riparian states as their waters—and if the increase in the payload of these guns, for the manufacture of which the technical capability already exists, were to continue as before, it is impossible not to see what restrictions of the open sea we would have to reckon with in the future. This shows the necessity of not satisfying oneself at the international level with ascertaining the general fundamental principle, but

rather stipulating an upper limit for maritime borders beyond which no state may go through international law, and leaving it to each individual state, insofar as it considers this expedient, to determine a shorter border for itself.

The rights of sovereignty at issue here are the *exercise of maritime policing* and of a bounded *jurisdiction*. Further, a riparian state can *restrict coastal freight shipping* and *coastal fishing* to its own subjects, to the exclusion of all foreigners.

The open sea is also free for shipping and fishing. The subjects of any state can, so far as they have the boats for it, carry out deep-sea fishing everywhere on the sea. But this has not prevented states with strong fishing industries from concluding treaties with one another, through which each of them, to avoid conflicts between their fishing vessels, imposes restrictions on its subjects' fishing regarding this freely accessible domain. Among others, the "Convention for regulating the police of the North Sea fisheries outside territorial waters" concluded in 1882 between Germany, Belgium, Denmark, France, Great Britain, and the Netherlands, and supplemented in various ways since then, has this significance.³ Every state was awarded a sphere of interests, so to speak, for its fishing on the open sea, and while even after the finalisation of the treaty, there was no shortage of collisions between fishing vessels as a result of occasional transgression of borders, on the whole the accord has proven successful. Related to this, albeit brought about by another purpose, are the agreements between England and the United States about restrictions on sealing in the Bering Sea.⁴ These agreements, to which other states also became signatories, are supposed to prevent the extinction of seals, but have been hindered in their effectiveness through evasions of various kinds.

The right of using those seas to which the abovementioned term closed sea (*mare clausum*) applies is subject to legislation by the state whose shoreline they surround. But it is otherwise if an inland lake is surrounded by the state territory of several riparian states. For *these* it then counts as "open sea". And waters that are surrounded by the territory of multiple states, but which can be reached from the open sea, such as the Baltic Sea, Black Sea, or Bering Sea, count as *open sea for all*. *Straits*, which connect parts of the open sea with one another, even if they can be controlled from the shore by one or by several states, are open to navigation by the warships as well as trade ships of other powers. This applies, for example, to the Øresund and the Strait of Gibraltar. The latter is to be noted because today the question of the Dardanelles is frequently portrayed as equivalent

to the question of the Strait of Gibraltar. But here, in fact, there are two questions at issue, which differ in various respects. From the special circumstances regarding the question of the open sea and coastal waters, it can also be noted that, even if certain rights of sovereignty are granted to a riparian state over its coastal waters, these are not, as with inland lakes, counted as part of their state territory. Thus, *passage through coastal waters* may neither be denied to trade ships or warships of foreign states nor made dependent on tolls.⁵ By contrast, *stopping in coastal waters* (for naval manoeuvres, mapping, etc.) is contingent on the permission of the riparian state.

So far maritime law in peacetime.

I will address its determinations for wartime at another point. Everywhere, *dry land* forms *the actual territory of a state*, as well as the given airspace above it, and the terrestrial environment under that part of the earth's surface circumscribed by the state's borders. Entering the territory of any state that belongs to the community of the law of peoples and temporary stay and permanent settlement within the same are, under prevailing international law, *fundamentally* an entitlement of all subjects of those states that also belong to this community. But recognising this fundamental principle does *not yet* guarantee *the equal treatment of foreigners* with the domestic population. Various states have grasped how to establish very significant differentiations for this through ordinances or laws, quite apart from the fact that everywhere certain political rights of state citizenship are withheld from foreigners. Nowhere may they vote for parliaments nor often also in local bodies (with England being an exception hitherto). Nearly all states claim the right not to admit certain categories of foreigners and have particular laws for this purpose. Likewise, they retain for themselves the right to expel foreigners who have made a nuisance of themselves; only the concept of "nuisance" is outlined less pettily by some than others. But boundaries are frequently imposed on the arbitrary *expulsion* or *non-admission* of foreigners by particular laws. Besides, individual countries have a kind of *law of usucaption* in their determinations about the settlement of foreigners, so that those who have already lived in the country for a certain minimum number of years may either *no longer* be banished from the country *at all* or *only if* they have received judicial convictions for *common misdemeanours*. In some states, expulsion may only be ordered by the relevant higher authorities or after assessment by them. However, there exists *no* generally valid *international agreement* over the rights of foreigners. The *fundamental principle* that every country

that has joined the community of the law of peoples must be opened up to the subjects of every other such country is derived from the concept of this community and has never been questioned. But there exist a greater number of particular *settlement treaties* which determine precisely the rights of each side's subjects regarding *settlement, enterprise, land acquisition*, and so on, for specific states. Almost without exception, foreigners are granted *equal rights* in the domain of *civil law* and *civil process*, and likewise they are subject to the *penal laws* of the country in which they reside. By contrast, it is not considered contradictory to the law of peoples either to completely deny foreigners the right to acquire and dispose of land holdings or only to grant it to them with caveats, and some states have in fact made use of this right of restriction, as with England before 1870, Russia, Romania, and so on.

Questions of *trade policing* and *trade policy* do not belong in the actual domain of the law of peoples, aside from the fundamental principle mentioned above of the freedom to conclude *business transactions* with subjects of other countries in the community of the law of peoples and to establish *trade stations* in these countries. But this fundamentally recognised general right can be *limited by tax laws* and vexatious *police regulations*—and besides, commerce from country to country can be either *totally prevented* or *depressed* to a certain degree *via tolls*. *Trade agreements*, which states form with one another, and which have become a common institution, provide a certain security. The war immediately rendered them inoperative for the states who are at war with one another. And, as one knows, there is agitation in some of the warring countries only to conclude new trade agreements with certain enemy countries if the peace settlement guarantees a reliable assurance of lasting peaceful relations. This agitation owes its emergence to certain events in the war, which were and are regarded as gross breaches of the law of peoples. It can today already be declared as beyond the realm of all possibility that this agitation will be successful in its extreme demands.⁶ The full exclusion of certain countries from commerce is just as difficult to enforce as it would be unsuited to reconciling the peoples in question. Exempted from this is the case where such an exclusion is ordered by an *International Court of Arbitration* as a measure to compel an individual state or association of states to recognise and observe certain internationally established rules or resolutions.

Self-evidently, it must be the goal of every movement aiming for the democratisation of the law of peoples to remove the barriers that lie in the way of the intimate economic and cultural intercourse of peoples; and

thus, the more resolute factions of Social Democracy in all countries are fighting the tendency to draft peace proposals in such a way as to make it possible to continue the war in the form of economic warfare.

Furthermore, the right of *using sea ports* and *international connecting routes*—rivers, canals, railways, roads—that go through various countries comes into consideration for the *intercourse of peoples*. Here too, the *generally recognised fundamental principle* is that the use of these routes should be freely accessible to the subjects of *all* states for their person as well as for goods and other movable objects. But here, it is likewise possible to confer *unfair privileges or disadvantages* through *tariffs* on the tolls for their use. There is a whole host of *international treaties* against such frustrations, which belong to the constituent parts of a contractually ordered law of peoples.

Further, the *Universal Postal Union*, which has existed since 1874 and is extending itself ever further, as well as the international provisions resolved about *telegraph communications* and *railway traffic* along the same lines, should be mentioned as *institutions of the law of peoples* for peoples' intercourse. The agreements that have in view maintaining riverways, combating epidemics, protecting certain animals, observing the stars and air currents, and similar cultural tasks that are recognised and acknowledged as a general interest of the family of peoples, belong to this partly directly and partly indirectly. The densification of the network of intercourse [*Verkehrsnetz*] all over the Earth has led to the creation of institutions of a material or legal nature to look after the interest of *the whole community of peoples* regarding *the evil will* or the *negligence of individual states or nations*. To the law of peoples thus also corresponds an *obligation* for individual peoples to make *certain sacrifices* to the *common interest*.

2 THE SUBJECTS OF THE LAW OF PEOPLES

In their *legal* international relations, peoples are today represented by their *government*, that is, through the incumbents and leaders of state authority [*Staatsgewalt*]. Under the law of peoples, every community that has a *central authority* and does not normally take its laws from a foreign power is regarded as a *state*. Where states have joined together into closed-off units—federal states or empires—to which they have transferred certain rights of sovereignty, the federation or empire is regarded under the international law of peoples as *one* state, which deals in the name of its indi-

vidual states. The German Reich, the United States, the Swiss Confederation, and the United Kingdom of Great Britain and Ireland each of them forms only *one* state endowed with full sovereignty rights under the law of peoples. Their member states, as one calls the individual states in this relationships, either do not have sovereignty rights under the law of peoples at all or only with limited application. In the language of the intercourse between states, *sovereignty* [*Souveränität*] means supremacy [*Hoheit*] under the law of peoples. Sovereignty is a loanword whose use cannot be eschewed precisely because it is used internationally in a quite specific sense, and every translation runs the risk of being conceived as meaning something else. Thus, it would be quite wrong to say “autonomous” [*selbständig*] instead of “sovereign”. There are many kinds of autonomy: the human as personality, the free association, the commune, the cooperative, the canton, and so on; they all are in their own way autonomous, but they are all in their doings subjected to laws that an external power imposes on or prescribes for them, and under the law of peoples, they are *not sovereign*. Liszt writes: “Sovereignty as a property of the state is the highest ruling power [*Herrschermacht*], externally as well as internally autonomous and dependent on no higher power.”

Admittedly, even a state which counts as conceptually *sovereign* under the contemporary law of peoples is this *in actual reality* only to a limited extent. Thus, it formally has the right to exclude itself from certain international associations, but actual circumstances *force* it *not* to use this right. It *will not* and *cannot* occur to any civilised state to withdraw from the Universal Postal Union. The general need to secure certain riverways or sea routes *forces* particular states, through whose territory the riverways go, or who themselves lie on one of the relevant sea routes, to renounce some of the advantages which their geographical location ensures them or to take on obligations that arise from them. There are still more such restrictions on the sovereignty even of great powers [*Großstaaten*]. Only there does not yet exist a *unitary central highest authority* over them all. Supremacy is wielded for almost every particular *need* by particular *congresses* and standing commissions. But it is there nevertheless, so that Liszt’s definition already no longer necessarily applies but would rather only befit a *highest world state* that is *still yet to be created*. Such a world state, or expressed more correctly, such a *world republic* [*Weltrepublik*], lies, as the examples just mentioned show, on the trajectory of societal development and will hopefully one day become a reality, however many impediments still lie in its way. Right now, however, we must stick to

letting the concept of *sovereignty* apply wherever an empire or a state or a federation that forms a state under the law of peoples is subject to the laws of no other state or empire.

Next to sovereignty, the law of peoples recognises *semi-sovereignty* [*Halbsouveränität*] and the international legal *protectorate*. These are adopted wherever a state deals *autonomously* in *certain* international legal relations but *is represented in others through another state*. This other state is then regarded as the *suzerain* [*Suzerän*] of the first. Thus, until the outbreak of the world war, Turkey was the suzerain of Egypt under the law of peoples, even though it exercised no power over it whatsoever, and England had in fact already replaced it as Egypt's guardian state [*Vormundstaat*], as one might translate the word suzerain. Over the course of the world war, England also formally declared its protectorate over Egypt, and it will depend on the course of the war and the peace settlement whether this legal situation remains in effect. Moreover, England is suzerain of a number of states in India, among them the states Hyderabad (13½ million inhabitants), Mysore (6 million), Gwalior (3 million), Baroda (2 million), as well as the Sultanate of Zanzibar, the Malaysian federal state founded in 1895, and a few more semi-sovereign exotic states.

Colonies, possessions, or dependencies [*Schutzgebiete*], which exercise no autonomous rights under the law of peoples, or put differently, do not possess legal contracting capacity, are to be differentiated from semi-sovereign states. Thus, for example, the Canadian Confederation or the Commonwealth of Australia are not even *semi-sovereign* under the law of peoples, although they are factually much more autonomous from their motherland England than, for example, the Kingdom (*Khedivate*) of Egypt. By contrast, these and others of England's colonies are, like those of other states in the community of the law of peoples, recognised as *equal members of this community* in their internal administration and judicature [*Rechtsprechung*], and no external state interferes in their administration of justice [*Rechtspflege*]. But the latter is the case with some non-European states that are protectorates of states from the European civilisation and with some otherwise autonomous states that have not yet joined the community of the law of peoples. In *Egypt*, in certain localities of *China*, in *Morocco*, particular laws are introduced either by Europeans alone or by Europeans in conjunction with indigenous judges, in order to ensure *reliable administration of justice and judicature* for citizens either of certain states or of the whole community of the law of peoples who are staying

there or have become domiciled there, according to their conceptions. These are the so-called consular or mixed courts, and the treaties by which these laws are introduced and dispense justice for the subjects of powers conforming to the law of peoples [*Völkerrechtsmächte*] and their protected persons are called *capitulations*. They owe their emergence partly to the fact that legal concepts in those states differ substantially from prevailing legal opinions in the European civilised world and that impartial judicature is only ensured there to a quite unsatisfactory degree, but also partly to the fact that the *pride* of the subjects of states from the European civilisation would not tolerate their legal dealings being adjudicated by judges who belonged to a race or culture they regarded as *inferior*. One may fairly doubt whether consular courts consistently judged more impartially or more in the spirit of some noble justice than the indigenous courts of those countries would have done. There has been no shortage of complaints about their adjudications, and the movement to abolish these *extra-territorial courts*, as they are called in the language of the experts—because the territorial sovereignty rights of the states in which they are active do not extend to them or do so only in part—has grown significantly over time and has also met with success on various occasions. Self-evidently, a reliable administration of justice, conforming to fundamental legal principles that are set down as precisely as possible, is one of the *most essential preconditions of the close and amicable intercourse of peoples*. With the extra-territorial courts, it is doubtless a matter of the interests of capitalists and their agents, who are by no means always the best representatives of European culture, and often enough, things may have proceeded rather dubiously regarding their legal demands. But as long as we live in capitalist society, they are quite simply the most influential bearers of this culture in those territories—a culture which with all its faults is, in its fundamental legal principles, ultimately still superior to the culture of the peoples in question. We know well enough by what violent acts and horrors it often subjugates territories and countries, and our whole effort must be directed towards accomplishing change in this regard. But the advance of this culture and its legal concepts is not to be stopped, and wishing to set limits on it constantly would be a utopian enterprise. What all those who truly feel social and cosmopolitan must set themselves as their goal is to develop and justify a right of intercourse between peoples that does justice to the warranted idiosyncrasies of each culture, and bring about its propagation and recognition across the whole populated Earth.

NOTES

1. Hugo Grotius, *Mare Liberum* (Leiden, 1609), translated as *The Free Sea*, David Armitage (ed.) (Carmel, IN: Liberty Fund, 2004).
2. Franz von Liszt, *Das Völkerrecht: systematisch dargestellt* (Berlin: Verlag O. Haering, 1902 [1888]), pp. 196–7.
3. The 1882 North Sea Fishers Convention.
4. The 1893 Bering Sea Arbitration.
5. [Ed. B.—Liszt §9, V. 2a] Liszt 1902, p. 78.
6. [Ed. B.—That was written in winter 1916/17 and referred to the movement in England that arose due to the German submarine war. Since then, there has been no improvement, but rather only a worsening in the mood of public opinion in England with respect to Germany, which was eventually reflected after Germany's defeat in the peace conditions of the Allies, which imposed commercial obligations on Germany but granted it no rights. But success on paper does not yet mean success in practice.]



The Law of Peoples in Peacetime II

1 STATE SOVEREIGNTY AND ITS REPRESENTATIVES

States are today, as we have seen, the recognised bearers—“subjects”—of the law of peoples. They mediate it, they bring about its changes and extensions, and they describe themselves as the appointed *guardians of its observance* and, as the case may be, *avengers of its infringement*. States are represented externally through their governments, depending on the nature of their constitutional organisation or *political constitution*. In monarchic and also in various republican states, their highest constitutional representation is granted to a single person (a prince or president). But in the intercourse of states with one another, this highest representation is more a *formal one* or concerns itself with their *foreign policy*. The intercourse of states *under the law of peoples*, meanwhile, is led through their *foreign ministries* and attended to by particular *commissaries* [*Beauftragte*] (agents) appointed for the purpose, who represent the principal commissioning [*auftraggebenden*] state on the basis of *particular authorisations* [*Vollmachten*]. One distinguishes with them between *standing* and *extraordinary* commissaries, and with the first among commissaries who represent their state in *all* its relations under the law of peoples, and those who only represent it in *economic-political relations* and some *particular tasks*.

Standing commissaries who represent their state to other governments *in all its relations under the law of peoples* are regarded as *diplomatic agents*

and described as *ambassadors* [*Botschafter*], *emissaries* [*Gesandte*], or *chargés d'affaires* [*Geschäftsträger*]; alongside them, other standing commissaries of states are *consuls*, who attend to certain representative obligations in economic (trade) and administrative matters, as well as commissioners [*Kommissare*], who are despatched to standing international commissions to carry out certain monitory tasks and so on. The diplomatic representatives who the Roman curia despatches to various states carry the description *nuncios*. Non-standing or extraordinary commissaries are, as already becomes clear from their description, ambassadors, *chargés d'affaires*, and so on, who are only despatched *for a limited time* to take care of *certain specific matters*.

Since the prince or president represents in his person the full supremacy (sovereignty) of the state, even if within the state itself he actually has no absolute rights whatsoever, as soon as he goes off abroad on visits or otherwise in peacetime, he is subject to no external state or legislative power. He enjoys a right described as *extra-territoriality*, that is, he is regarded and treated as if he were not personally located in a foreign land. He is *personally inviolable*, and his person counts as *sacrosanct* (hallowed). Only the most extreme need, namely, should he permit himself illegalities of the grossest kind, would justify using force against him. Nobody may enter his residence without his or his commissaries' permission or take or appropriate objects found within it. He stands *outside the jurisdiction of the foreign state* and enjoys *exemption from its taxes or levies*, as well as the *right to uninhibited and unreserved intercourse with his own state*. He may send to it *encoded despatches* and messengers (couriers) with closed briefcases or boxes that are not subject to border controls.

The *diplomatic representatives* (ambassadors, emissaries, etc.) also enjoy extensive *extra-territoriality*. They are also *freed from the power of command or coercion* of the state to whose government they are credentialed. The jurisdiction of the state, its state and municipal direct and personal taxes do not extend to them, *their residence or house* (the "delegation's hotel") *may not be entered without their permission*, they have the right to unreserved and uninhibited intercourse with their home state, as well as the right to unconditional secrecy in letters and despatches. The luggage of a delegation's couriers may not be subject to any border inspections. And above all, the ambassador also enjoys *personal inviolability*. Even if he breaks the laws of the state to which he is credentialed, it cannot, except for at most cases of absolute self-defence, lay hands or allow hands to be laid on him. The foreign state has only the right to demand the recall of a

diplomatic representative or—whereby usually a state of war is triggered towards the relevant state—to unilaterally break off relations with him and deliver passports to him and his staff. For apart from the emissary, his family members living with him, the other members of the delegation along with their families, his bureau staff, and the emissary's servants from his own state are all *extra-territorial*. The diplomatic collective term for the emissary and his auxiliary staff is a mission, and the emissary or ambassador is the “head of mission”.

The *inviolability of emissaries* is a *fundamental legal principle* that has been *upheld since ancient times*, even among barbaric peoples. We saw in the first lecture how strictly even the Romans adhered to it. All state intercourse of peoples depends on it, and its infraction is thus condemned especially harshly. That in 1799 the emissaries of the French Republic despatched to the Peace Conference at Rastatt were murdered while still in its outskirts by hussars of the Austrian army (so-called *Székelys*) as they left the town after the collapse of negotiations, provoked the greatest outrage far and wide, and has been addressed in detail even until recently by historians, who have attempted to exonerate the murderers' superiors of responsibility for the deed.¹ In our times, the attempt by the Russian revolutionary government to treat the Romanian emissary Diamandi as a prisoner in reprisal for certain acts of the Romanian government resulted immediately in a *unified protest by all* the foreign emissaries and *chargés d'affaires* still remaining in St. Petersburg, so that the Bolshevik government, as unshy as it is otherwise, still saw itself induced to retract that step. The emissaries, altogether 20 in number, threatened that they could under no circumstances tolerate the incarceration of their colleague without countermeasures, with reference to the inviolability of emissaries, which had held for centuries.²

The emissaries of various states credentialed to a state together form a body that is called *the diplomatic corps* and at whose head stands the longest-serving member of the highest class of ambassadors as *doyen* (dean), as the title goes. Just as the diplomatic language of more modern times is the French language—replacing Latin, which was normally used for this in the Middle Ages—so too most of the technical expressions relating to delegation are derived from the French.

In contrast to emissaries, *consuls bear no diplomatic characteristics* and thus *do not* enjoy *personal* inviolability, except where this has been granted to them through a special agreement. By contrast, their *bureaus* and especially their *consular archives* are inviolable. The precondition for this is that *official papers* are held *separately from private papers*.

Consuls are, in general, not to be regarded as *political* confidants of the government of the country they represent, since they do not even need to be citizens of this country, but are sometimes citizens of the country in which they serve. The confidence placed in them by the state that appoints them does not, as a rule, extend further than their special official tasks are concerned. Depending on the scope of their tasks, they hold the title consul-general, consul, vice-consul, or consular agent and are supposed to look after the interests of trade and intercourse of the subjects of the state they represent, so far as the rights conferred on them permit this, issue accreditations, procure or decree the issuing of passports, receive enrolments for military service, and other similar things. Lately, they are particularly expected to pay close attention to the *economic and trade development* of the land in which they are placed and supply the trade office of the state they represent, through reports about this development, with indications as to which new or hitherto unused trading opportunities might present themselves to its industrialists and merchants. If consuls are also assigned diplomatic tasks, which often happens for smaller or more backward countries, the fundamental principle of extra-territoriality applies to them as well.

2 STATE TERRITORY AND THE DOCTRINE OF PEOPLE AS ITS APPURTENANCES

The previous chapter has already dealt with *state territory*. We have seen that opinions about how far it extends onto parts of the sea have started to unravel. The same may possibly also happen for the airspace above the surface of the land and sea, which is regarded as state territory. Of interest are questions about how changes in the scope of state territory are to be judged and treated, if these are not brought about by natural events but through cession and acquisition. Such changes can take place in peacetime as well as wartime, that is, they can be brought about just as well through purchase and sale or peacefully agreed cession, as through conquest, to which latter acquisition can also be added the occupation of so-called unclaimed land and the establishment of colonies. But we have not hitherto regarded as “unclaimed” every piece of land that was not inhabited by humans *per se* but also every territory that did not belong to a state in the European sense of this word. Occupying such land was regarded as an

inalienable right of European states. The savage or half-savage inhabitants had simply to submit, and could consider themselves lucky if some private property was left to them in parts of this territory, or was bought from them under honest conditions. But not only savages, half-savages, and barbarians are treated like this; under the prevailing law of peoples, in cases of territorial change, members of the civilised world [*Angehörige der Zivilisation*] are also counted as appurtenances of the territory in which they reside. “With dominion over territory”, we read in Liszt, “dominion over the members of a state living in the territory at the time of acquisition is also acquired, or else lost”. And further “the acquisition of territory is not contingent on the consent of its inhabitants”.

Liszt also adds to the latter sentence:

The plebiscite, a favourite idea of Napoleon III and Cavour, was used with respect to European territory in 1860 with the cession of Savoy and Nice to France on the basis of the Turin Agreement of 24 March 1860; with the new conquests of Sardinia between 1860 and 1870; and in 1863 with the annexation of the Ionic islands to Greece.³

Further, Liszt mentions Article 5 of the Peace of Prague of 23 August 1866 between Prussia and Austria, which declared the surrender of the latter's rights to Schleswig-Holstein to Prussia, and which stipulated that “the population of the northern districts of Schleswig shall be ceded to Denmark if it signifies that it wishes to be unified with Denmark through a free vote”, and adds that this “agreement, from which only Austria, and no third power, could derive a right”, was rescinded by a treaty between Austria and Prussia on 11 October 1878. This is a specifically *Prussian* legal opinion. But one may observe regarding this that the aforementioned obligation only made sense as a recognition of the *population's* right to determine their state affiliation for themselves. That was how it was understood by Napoleon III, who had mediated the Peace of Prague. Accordingly, it was also an obligation towards the population of those territories themselves, which in two districts in subsequent votes again and again made known their Danish disposition. However, Prussia never understood it in this sense. At the time, Wilhelm II put the way of thinking dominant here in these words, in the much-discussed speech of 16 August 1888 at the unveiling of the monument to Prince Friedrich Karl in Frankfurt an der Oder:

I believe that we know in the third Army corps as well as in the whole army that only one voice can decide about this, that we would rather leave our whole 18 army corps and 42 million inhabitants lying by the wayside than give up a single stone of what my father and Prince Friedrich Karl have achieved.⁴

(Retrospective addendum: History has given its answer to this unbelievable announcement.)

Liszt himself elaborates this further:

The idea that the plebiscite of the inhabitants is a condition for the legal validity of the acquisition of territory, is especially adhered to by French authors in our times. The prevailing view within the literature on the law of peoples stands on the opposite point of view, and certainly with good reason. Decisive for rejecting this demand is, in the first instance, not the fact that every skilful government is capable of bringing about the result it considers desirable in the popular vote, so that in most cases the plebiscite will not be the untainted expression of the uninfluenced will of the people; another obvious consideration is rather more decisive. The theory of the plebiscite must, if logically implemented, place the will of a fraction of the state's population over the will of the state, and thereby lead to anarchy. Let us assume that a state defeated in war is prepared to accede to the victor's demand, and to buy peace by surrendering a piece of its territory: the inhabitants of this territory to be ceded, which may be small and sparsely populated, would according to the plebiscitary theory be able to make the conclusion of peace impossible, and thereby bring about the complete destruction of the state to which they belong. Besides the will of state authority, another will would be recognised on an equal footing, which would have the strength to inhibit all the state authority's decisions. The plebiscitary theory must therefore be rejected precisely in the interest of peoples' freedom. The avoidance of the hardships that can be associated with the change of state affiliation cannot therefore be found down this road.

This argumentation is singularly indicative of the spirit of the prevailing theory of the law of peoples in Germany. I am quoting it from the ninth edition of Liszt's *International Law*, which appeared in 1913. Since then, another newer edition has appeared, and maybe even a second, which shows how prevalent this book is and what regard it enjoys in the ranks of students and men of learning. And yet Liszt is still a German left-liberal and belonged as Reichstag delegate to the Free-minded People's Party. Let us now observe what the legal concepts that underpin his argument are.

A priori, it is a highly emphatic strengthening of the line that contemporary international law is *not a law of peoples*. According to this, the *state* is everything, but the *peoples* are nothing. They belong to the territory, like a piece of inventory, which through sale or cession passes over submissively to their new owner and is virtually sold or ceded with it. It is not the population's national sentiment and its feeling of solidarity that is to decide their state affiliation, but a "will of the state" floating over everything makes the decision. What is this will of the state, and how is it ascertained? In very different ways, depending on the constitutional conditions of individual countries, it can be the will of an autocratic dynast, an oligarchy of Junkers and capitalists, a national assembly elected by census- or class-based suffrage, on occasion also the combined will that comes about through a compromise between a hereditary and an elected chamber, and ultimately also at best the will of a democratically elected representative parliament. According to the above, for Liszt, the direct plebiscite, which exists in Switzerland and is also used for certain questions in other democratic countries, should be completely ruled out. It would certainly be a unique contradiction to submit the question of whether a state should cede a part of its territory to another state or annex a ceded territory to itself to the ballot vote of the state's population, but to deny the population of the territory in question the ballot vote over whether it even wants to be ceded or annexed at all.

And why should it not have this right? For Liszt, according to the above, the fact that a skilful government can bring about an artificial vote through its influence that does not express the people's true will is not primarily but still partly decisive. But Liszt totally disregards the fact that there are means to undertake such a vote under conditions that rule out creating such an artificial majority. He does not say that the popular vote over territorial cessions must take place under very particular conditions that secure its freedom from all artificial handiwork but thrusts the thought wholly to one side. It is, first and foremost, to be rejected because—to repeat his words—it "must, if logically implemented, place the will of a fraction of the state's population over the will of the state, and thereby lead to anarchy." But that is a totally unproven and unprovable assertion. In general linguistic usage, anarchy means the complete dissolution of the state and all state order. But it is not clear why this should already be brought about by recognising the fundamental principle that no territory could be annexed to a certain state without the express consent of its population, ascertained through a ballot vote. Sure, if one only sees a state

where a dominating power standing over the population binds and holds it together through coercive force, then certainly the recognition of the people's will as a legal title and precondition of annexation into a state must appear as if it dissolves the state. But this connection of the concept of the state with the presence of a power standing over the population is neither liberal nor does it fit the facts. In the history of mankind, the state first emerges as such a coercive association, but today states exist of which some even from their origin and others in their development can in no way be traced back to such state force elevated above the people's will. Neither the Swiss Confederation, nor the American federal republics, nor the Commonwealth of Australia, which are all recognised as states, derive their existence as states from such a higher power resting on force. Nor does the French Republic do this but on the contrary regards as foundational the idea of the sovereignty of the people and prides itself on the fact that, since the fall of the First Empire, only those territories inhabited by Europeans were annexed to France whose populations declared themselves in favour of this through a vote with an overwhelming majority. These are the plebiscites undertaken in 1860 in Savoy and Nice before their annexation to France. These popular votes had indeed resulted in large majorities in both territories in support of their annexation to France. In the County of Nice, *circa* 25,000 votes were cast for Yes and only 160 for No, and in the Duchy of Savoy, 130,000 for Yes and only a little over 2000 for No. These votes were challenged, because they took place, if not under external coercion, then still under conditions that equated to a kind of moral influencing. The cession of Nice and Savoy was, so to speak, the agreed payment by the Kingdom of Piedmont to France for the services which it rendered to it in the liberation of Lombardy and Central Italy from foreign domination by Austria. However, even if it is admitted that those votes were influenced by considerations in which the relevant world situation was taken disproportionately strongly into account, they were nevertheless still free popular votes, and it is notable that, because the annexations had such popular votes as legal titles, neither Savoy nor Nice harbours a serious movement to rescind them, even though in the County of Nice, at least the great majority of the population was Italian and not French. Elsewhere too, wherever popular votes preceded and approved annexations, every serious kind of agitation for their reversal has come to nothing, so that one could rather say that the popular vote works to form or preserve states, than that, inversely, as Liszt would have it, it leads to states' dissolution. At most, it endangers states that are built on force and

repression, and one will well be able to say of these that they deserve to perish if they have no other legal titles.

Furthermore, that the plebiscitary theory, “logically implemented”, must place the will of a fraction of the state population over the will of the state must also be described as an assertion devoid of all validity. It presumes that the will of the state necessarily tries to deny the right to national self-determination to the fractions in question under all circumstances, which is neither conceptually necessary nor can it be inferred from the facts.

The will of the state is not a fossil or a thing mystically floating over the state community. It is ascertained or discovered in various ways, depending on the nature of the state and the form of its government, and determined by the spirit of the elements that give expression to it. It has already been observed that this determination can happen in various ways. In the seventeenth century, the autocrat Louis XIV could say “*L'état, c'est moi*” and accordingly declare *his will as the will of the state*, while today in democratic countries, every citizen can say of themselves “*my will is a piece of the state's will*, and without *mine and my fellow citizens'* consent there is *no state will at all.*”

Liszt's assertion that the plebiscitary theory is geared towards making it impossible to conclude peace and endangers peoples' freedom by putting the possibility of inhibiting the state authority's decisions regarding peace settlements in the hands of the population of a disputed territory stands up just as little to closer scrutiny. Actually, as we see precisely today, a general recognition of the legal ideas underpinning the plebiscitary theory would *ease* the accomplishment of peace settlements, and it would also, one can add, eliminate a very ominous motive for wars. But the public conscience has at least gradually developed so far that every state will shy away from waging a war merely because the cession of a territory demanded of it is attached by the law of peoples to a condition that it should only take place if the territory's population approves it by a majority in an uninfluenced popular vote. Fundamentally, even the two great powers who still oppose parliamentarism the most vehemently, Prussia-Germany and Austria-Hungary, have admitted this in their latest peace negotiations with Russia. The dispute at Brest-Litovsk concerned the procedure, but not the principle, of its implementation. Conservative governments, even where they played fast and loose with it, have gone further in conceding to the democratic idea than our liberal legal theorist.

This is an exceedingly characteristic phenomenon. I do not wish to cast aspersions on Liszt's motives, but it is nearly impossible to rid oneself of the thought that his tortured line of argument against the fundamental principle of using a popular vote for territorial changes emanated from the wish to theoretically justify the practice applied by the state in Prussia, or rather Germany, and emphatically declared in the case of North Schleswig—and this may similarly have been the case with quite a few more of his German colleagues in jurisprudence. With respect to these, it will be true that the dominant view agrees with his explanation. But whether this is also the case in the literature of other countries seems doubtful to me. Liszt himself indicates that the alternative viewpoint was maintained by French authors up to our times, and it is almost unthinkable that Liszt's viewpoint in all its rigidity prevails in the English literature. It would stand in contradiction to England's more recent statecraft. His "logical implementation" would mean that every large state that was greedy for acquiring territory might, as victor, force territory off every small or weaker state it pleased to attack, and, so far as the other great powers are for some reasons either not in the position or unwilling to protect the state that has been attacked, as was the case in 1864, there is no authority to prevent such extortion or to expose it as naked robbery. Put differently, Liszt's formulation leads logically to the *declaration of the rule of force and haggling over land* as the highest legal idea for changes in peoples' state affiliation. His application of the concept of the will of the state leads to the *denial of any will of the people* in national questions.

3 THE STATE AND ITS CONSTITUTIVE PEOPLE

Here we have before us a consequence of the *theory of the state* prevalent in Germany, which one cannot describe as anything other than the limitless elevation of the state into a *superhuman* personality. The conceptual definition that Liszt gives of the state already gives this away. It reads:

A state in the sense of international law is a *sovereign autonomous territorial body* [*selbstherrliche Gebietskörperschaft*]; that is, the human community settled on a certain territory, and consolidated through an *autonomous and independent ruling authority* [*Herrscher Gewalt*].⁵

How much the idea of rulership is placed in the foreground here! Now, self-evidently, ruling authority can be constructed in various ways in practice and can be separated from the rule of individual persons or a privileged class.

But with this definition, the impression always remains—and cements itself in people's minds—that a state's right to exist is tied to a *rulership relation* [*Herrschaftsverhältnis*]. Against this, let us hear the definition of a non-German. Professor T.J. Lawrence writes in §43 of his book about the fundamental principles of the law of peoples that a state can be defined as “[a] *political community*, the members of which *are bound together* by the *tie of common subjection to some central authority*, whose commands the bulk of them habitually obey.”⁶ Here, however, there is likewise mention of subjection, which after all is inseparable from state life, but this subjection can be a *voluntary* one, resting on *free agreement*, and the central authority needs in no way to be a personality or a government instituted by a ruling class, but rather can be as democratically constituted as one wishes, and its commandments can be subject in their decisive resolutions to a *general popular vote*, as the example of Switzerland shows. The only thing that is decisive with Lawrence is that such a subjection is fundamentally acknowledged in laws that apply across the board. The only thing he emphasises as a determinant feature is that the central authority *must be more than a mere kinship authority*. For, he writes, “a *family* as such is *not a political community* and therefore not a state”.⁷ Further, the state has the characteristic that it does not have to obey any other power, that is, it is *sovereign* in the sense we elaborated earlier.

We can now raise the question of whether one can also speak of a *state* if a number of local communities or other free cooperative associations join together for certain purposes and submit themselves to a common will for all regulations regarding these purposes. But that is not the case. We associate with the concept of the state the image of a far-reaching community encompassing the whole societal life of the population that lives within a given territory. But the territory does not delimit the inhabitants' societal life; rather, this branches out beyond the state territory in many ways, and we have seen how an international *corpus* of law forms as a result of this international expansion of social life in the law of peoples and international contract law, which states with their subjects cannot help but subject themselves to, at least fundamentally. Thus, the *perpetuation of the state* is called into question *from two sides*. Inwardly through the strong tendency of communities and provinces to assert their independence and outwardly through the rise of an international higher authority that regulates one function of the individual state after another for the benefit of the community of peoples and states. Under the influence of these two developmental tendencies, it can happen that, as

Friedrich Engels sets out in his work *Socialism Utopian and Scientific*, the *state* will one day *wither away*, and I will not hesitate to add that this seems to me to be desirable in the highest degree. For we can see today only too clearly the consequences to which the traditional exceptional sovereignty [*Sonderherrlichkeit*] of states can lead humanity.

But as long as this internationalism and the formation of self-administration in free purposive associations and the local constituent parts of states have not reached a great high point, states will continue to exist. And here, it is clear that, just as a *territory* and a *state authority* of some kind, whether democratic or aristocratic, belong to the state, so too, self-evidently, a *constitutive people* [*Staatsvolk*] belongs as well. Who is this constitutive people? Here we can follow Liszt when he says “the constitutive people is the totality of state subjects”, adding in his familiar language that “these stand under the authority of their home state, not by force of this state’s territorial supremacy [*Gebietshoheit*], but by force of a more intimate bond of state membership [*Staatszugehörigkeit*] which binds them to their home state’s authority even if they reside abroad”. I do not consider the word state authority [*Staatsgewalt*] well chosen because, as remarked before, the notion of suppression is typically so tightly connected with the concept of authority that many find it impossible to separate one from the other. But, in substance, the concern here is about the application of general *laws* and *ordinances*, which can have come about in a highly democratic way, and which to a significant extent avert violations of the freedom of the person by state authorities or other citizens. The main idea is that the citizen is subject to the legislation of his state, whether he resides in its territory or abroad. In the latter case, however, the law of his home state applies to him only insofar as it *is not associated with any interference in the territorial sovereignty of the state in which he is residing*. The *acquisition* and *loss* of citizenship are determined for each state by its own *national legislation*. But since this is not the same for all states, and since unified fundamental principles do not yet exist for them regarding these points, it has hitherto been possible for, for example, a Swiss person to retain the citizenship of his home state and acquire that of another state as well, and thereby actually be a citizen of two states, for which the term is “*sujet mixte*”. Likewise, without having acquired the citizenship of a foreign state, someone can lose the citizenship of his home state through a longer stay abroad. He is then “stateless” in the sense of this word under the law of peoples. In all states, legislation about civil law and criminal law has legal force also for those

subjects of other states who live in them. Their home state protects them to a degree against arbitrariness, on the basis of the international treaties already discussed. But in addressing these questions, we have seen to what a degree the international law of intercourse that has come into being still needs to be expanded further for it to fully live up to this name. Here too, we come up against the inhibiting effect of the fact that the law of peoples is only generally recognised as a *law of states*. Only through citizenship of a state in the community of the law of peoples, it says in Liszt, “do a state’s subjects enjoy the rights guaranteed by international law”.⁸ Only in *this* sense can one speak of an *indigeneity under the law of peoples*, that is, of a domestic right of all members of the community of the law of peoples across all of its territory, for there is no law about freedom of movement under the law of peoples. Apart from the exceptional sovereignty of states, all manner of national, class, and racial prejudices stand in its way. Before the war, there was a strong and ever more strongly self-asserting tendency to overcome them. The war has not just interrupted this tendency but given life and strength to opposing tendencies. The cooperation of all those who fight for peace between peoples will be needed to prevent these contrary tendencies from leading to a damaging reaction in this respect.

NOTES

1. These events occurred after the 1797–1799 Second Congress of Rastatt, which was designed to negotiate peace between the French Republic and the Holy Roman Empire, and compensate princes whose lands had been seized by France during the 1792–1797 War of the First Coalition.
2. Alcibiades Diamandi (1893–1948), Aromanian-Greek political figure and diplomat in the service of Romania, best known for his logistical and military aid to fascist Italy during WW2 in return for promises of Vlach independence.
3. Franz von Liszt, *Das Völkerrecht: systematisch dargestellt* (Berlin: Verlag O. Haering, 1902 [1888]), pp. 83–95.
4. See John C.G. Röhl, *Wilhelm II: Der Aufbau der Persönlichen Monarchie* (Berlin: C.H. Beck, 2001), p. 97.
5. Liszt 1902, pp. 35–7.
6. Thomas J. Lawrence, *The Principles of International Law* (London: Macmillan, 1895), p. 56.
7. *Ibid.*, p. 56.
8. Liszt 1902, pp. 101–2.



The Law of Peoples and War I

I THE DOCTRINE OF THE BALANCE OF POWERS

The relationship of groups of people towards one another was first *war*, as we said in the first lecture, and in its historical emergence, the law of peoples was *primarily* in substance a *law of war*. It formulated the rules that tribes and states had to observe in their wars with one another, the infringement or non-observance of which marked whichever tribe or state was guilty of this infringement as dishonourable. Over time, these rules of war underwent changes of very different kinds, which one will understand if one remembers what great changes have taken place over time in the constitution of states, in the character of economic life, in the nature of weapons, and in concepts regarding the rights of the person and the disposition of individuals towards the state. Even the mere fact that all adult male citizens of the tribe or the people originally took part actively in war, that later particular parts of the male population, as warriors by *profession* after a fashion, became differentiated from the rest of the male population and formed warrior castes or suchlike, and that even later wars were waged with mercenary troops recruited from citizens of all kinds of countries, which turned war into an *industry*, had to lead to changes in the concepts of the law of war. Likewise, the rise of world religions, whose tendency was to regard and treat their adherents as belonging to a great family of peoples vis-à-vis those of other faiths, could not leave untouched the understandings of the rules of war that were meant to be observed, depending

on whether one was dealing with believers or unbelievers. In practice, the law of peoples, as a *law agreed* between a greater number of states, first appeared as a *special accord between Christian states*. This is the treaty brought about in 1648 as the conclusion to the Thirty Years' War under the name "The Peace of Westphalia", which was preceded by negotiations between representatives of almost all the states of Christendom and which we usually describe as the agreement to found a *Christian community of states*. In this treaty was declared the *equal status of Christian states*, without distinction between their *denomination* or their *system of government*, and the idea of creating and securing a *balance between European states* for the purpose of preserving peace and general security received its sanction as a principle of the law of peoples. Each state was fundamentally granted the right to ward off the threat of being overpowered by individual states, either alone or in alliance with others. A principle whose deficiency we have gradually come to recognise, but which for a long time dominated the policy of the great powers like a dogma, and which, though not officially declared, still exerted its influence on governmental decisions on the eve of the current war. Even socialists accepted the preservation of the European balance as long as the whole state system of capitalism and feudalism was not replaced by an international association of socialist people's communities [*Volksgemeinschaften*]. In Germany, at the start of the 1890s, the socialist Reichstag delegate Georg von Vollmar spoke out in favour of the *Triple Alliance* between Italy, Germany, and Austria-Hungary as a way of guaranteeing peace, and among the French, Jean Jaurès advised the Italian socialist Andrea Costa to abandon his opposition to Italy's entry to the Triple Alliance, because strengthening the counterweight against potential warlike intentions by the Franco-Russian alliance could help preserve peace.

On the other hand, at the outbreak of the world war, we saw the German government justifying its support for Austria-Hungary's proceedings against Serbia in its White Book on 2 August 1914, which led to the world war, by arguing that Austria's collapse would result in the subjection of all of Slavdom under the Russian sceptre, whereby—it says—"the position of the German race in Central Europe would become unsustainable".¹ It continues: "A morally weakened Austria, collapsing under the advance of Russian pan-Slavism, would no longer be for us an ally on whom we could count and on whom we could rely, as we must do in the face of the ever more threatening stance of our Eastern and Western neighbours." For this reason, the Reich government gave Austria-Hungary

completely free rein in its action against Serbia and declared emphatically to the other powers that it regarded Austria-Hungary's proceeding against Serbia as the former's business, in which it could *allow no other power* to interfere—for instance, by supporting Serbia. Even when, on 26 July 1914, the British Secretary of State Sir Edward Grey suggested submitting the differences between Austria-Hungary and Serbia for reconciliation to a conference of powers who were at that time not involved in this dispute—Germany, England, France, and Italy—the German government turned down its involvement because it “could *not summon* Austria in its dispute with Serbia *before a European court*”.²

Here, therefore, we see the principle of the European balance placed in direct contradiction to the principle of reconciling conflicts between states through an impartial court of arbitration. On the other hand, on 29 and 30 July, Sir Edward Grey then rejected Germany's demand that England might remain neutral, should it come to war with Russia and its ally France, with the justification that England, as regards its own interests, already could not possibly stand idly by and watch as France lost its position as a great power and became subordinated to German policy through attrition in a war. This much in Grey's letter to the British ambassador in Berlin, Sir Edward Goschen, of 30 July 1914.³ And in his speech to the House of Commons on 3 August 1914, where he justifies why, should France be drawn into the war, England would have to stand by it, he said: “If, in this struggle over life and death, France is beaten and forced to its knees, loses its position as a great power, and is subjected to the powerful will of a greater power than itself ... if *that* should happen, and if Belgium, then Holland, and then Denmark were to fall under the same formidable influence, would then ... a common interest not stand before us *to oppose the unchecked growth of a certain power*?”⁴ This elucidation or consideration resonated not just in the House of Commons but throughout the whole of England, as among others Bernard Shaw confirms in his treatise *Common Sense about the War*, where he writes that, when Grey explained *this*, England finally understood him and declared itself to be unanimously on his side.⁵ And Shaw only criticises him for not having already explained this in clear terms to the German government after the publication of the Austrian note to Serbia and the issuing of the German circular to the other powers. A frank explanation of this kind by the English government, Shaw writes, might possibly have deterred Germany from going ahead with declarations of war on Russia and France.⁶

Underlying all these claims is the idea that a balance between states or state alliances is a necessary means of deterring them from wars. Undoubtedly, such an effect can also be proved from time to time. But since states' power relations do not always stay constant but can be changed in their development by all kinds of circumstances, the belief in the theory of European balance, whenever this seems as though it might have been disturbed, on the contrary easily becomes a temptation to eliminate any inequality through war. But in the diplomatic proceedings that led to the German-French war in 1870, the concern was not about the European balance but the relative weight of France and Germany. Whatever we now think of this theory in light of our experience today, it was applied almost dogmatically in the seventeenth century and was expressly sanctioned at the Peace of Westphalia. A war undertaken to restore this balance if it was disturbed was acknowledged in public opinion as having the character of a just war.

But the differentiation between just and unjust war has, like the differentiation between offensive and defensive war, remained ineffective as regards gauging the rights of combatants in states' practice. Here, this has hitherto always meant: war is war, whatever its cause might be. Especially since at all times, governments have understood that they had to present their war as one that was just and imposed upon them, and since there has not yet hitherto been, nor is there, an authority to decide directly on whose side right lay. For the modern theory of the law of peoples acknowledged by states has completely abandoned even this distinction for the practice of war. For this, it consistently allows the same rules or fundamental principles to apply that it establishes as decisive for war in the first place. At the negotiations at the settlement of the Peace of Westphalia, the influence of the humanitarian writings of Grotius about the law of war and peace, which were aimed at restricting wars, played a very great role. No wonder, since the horrors and devastations of the Thirty Years' War, the worst of which Grotius had not even experienced, still stood vividly before the eyes of all participants. In light of these, the attempt to rid war of these horrors wherever possible had to suffuse people's minds, and they hoped to bring this closer to realisation above all by acknowledging provisions that legally eliminated *non-combatant populations* from war and which simply stipulated war as a competition and struggle between the armed forces on both sides. And in the time since, certain improvements have also appeared regarding this. "The difference between the conduct of troops and commanders in the Thirty Years War and in the War of the

Spanish Succession [Ed. B — 1701 till 1714]”, Lawrence writes, “is like the difference between darkness and light; and it is mainly due to the fact that in the interval of half a century between the two world-conflicts, the exiled Dutch jurist [Ed. B — Grotius] had become the great authority upon the regulation of international affairs”.⁷ However, again and again, relapses have still manifested themselves towards the old war conduct of pillaging and burning. War especially has the tendency, the longer it drags on, of spilling over all the more beyond its rules. It is never without the perpetration of outrages, which become the occasion for retributive measures—reprisals—which have as a result countermeasures, whether retaliatory or intended as a way of applying pressure, embitterment rises, the war demands all the more costs the longer it drags on, and eventually in one way or another, the population of the territories in which it takes place is drawn into its destructive tendencies after all. The expansion of armies and the manufacture of ever longer-range weapons contribute to increasing in growing proportion the sacrifices that wars impose on peoples.

2 THE CONVENTIONS OF LAND WARFARE

With the recognition that the moral reputation of theorists of the law of peoples, however great it might be, is not enough on its own to contain the atrocities of war within certain boundaries, repeated steps were taken in the seventeenth century to agree *precisely specialised provisions* for war at international conferences between states. With regard to land warfare, the *Geneva Convention* about the protection of the sick and wounded in war, introduced in 1864 at the behest of the Genevan philanthropist Henry Dunant, and the founding of the Committee of the *Red Cross*, which particularly concerns itself with protecting and caring for the sick and wounded in war, as well as medical caregivers, were certainly an improvement. These were followed in 1868 by the ban on the use of explosive projectiles under 400 grams in weight, agreed at a conference held in St. Petersburg (the St. Petersburg Declaration of 11 December 1868, which 18 states joined, among them all the European great powers).⁸ Given the state of firearms at the time, this represented a serious limitation on the use of explosive projectiles. If one acted in the spirit of that resolution today, given the current state of firearm technology, one would have to multiply the minimum weight of projectiles at least by ten, although nobody seems to have ventured to propose this. Six years after the St. Petersburg Conference, again at the behest of the Tsarist government of

Alexander II, a conference took place in *Brussels* between representatives of the various powers, which was meant to agree and elaborate an entire legal code for the law of land war. It never came to an international treaty about the provisions developed by that conference, although in 1880, the unofficial international *Institut de Droit International*, which has its seat in Brussels, published a *Handbook of the Laws of Land Warfare* (*Manuel des Lois de la Guerre sur la Terre*) based on the work of that conference, published as the *Brussels Declaration*, which was used by various powers as an example for laws and ordinances.⁹ The Hague Peace Conferences of 1899 and 1907, again instigated by Russia, continued the work of the international agreement about land warfare and brought them to a kind of resolution. At the 1899 conference, a “Convention respecting the laws and customs of war on land” was agreed, consisting of 9 articles, with additional *regulations* that contained very precise prescriptions about the rights of war conduct, and which was developed still further at the 1907 conference.¹⁰ The prescriptions of this ordinance dealing with war itself will be our concern in the next lecture. Here, in the first instance, we have to do only with the fundamental determinations about the *rights of combatants*.

Let us start with the *initiation of war*. Until very recently, this was *not tied to a formal declaration of war*. A hostile act sufficed to bring about a state of war under the law of peoples. While in barbaric ages, it was considered a requirement of honour to let a declaration of some kind precede the start of a war, precisely in the age of Enlightenment the governments of civilised states have coolly flouted this rule. In non-German textbooks, the conduct of Friedrich II of Prussia in the First Silesian War is cited as a particularly weighty case, where the prince in question allowed his troops to enter Silesia two days before his emissary, who was supposed to demand the handover of Silesia from the Austrian government, arrived in Vienna. Now, the 1907 Hague Agreement stipulates that, between those powers who have signed it, hostilities shall not commence without being preceded by an unambiguous notification, which must either be a *declaration of war* complete with reasons or an ultimatum that gives notice of such a declaration in the case of non-fulfilment, the so-called conditional ultimatum.

“The beginning of hostilities without a preceding declaration of war”, Liszt writes, “is thus from then on a heavy infringement of the law of peoples”. He adds: “However, the state of war with its legal effects would come about nonetheless.” Perhaps, one will now say that it is self-evident that war has naturally begun if a government initiates hostilities.

That is correct. But here it is not only a matter of the *fact* of war but rather of its *legal* effects, and it is a question of whether a belligerent state that starts a war without complying with that prescription should or should not be treated the same as a legally belligerent state by neutrals or whether it is threatened by other disadvantages as a result of infringing this provision. Characteristically, however, that is not provided for. Neither does any authority exist to take action against the non-observance of rules nor are neutrals given any direction to position themselves differently towards a state that has broken the treaty versus the state it has attacked. It is left completely to the discretion of the remaining states how they should behave towards the two parties during and after the war, and since states allow themselves to be led in their relations to one another primarily by interests of a *material* nature (regards for economic relations, geographical situation, power relations, and similar), there is a fairly small danger of self-harm from such a proceeding, as soon as a powerful state—which, it is assumed, will survive this successfully—starts a war without a prior declaration.

In reality, admittedly, the demand to deliver a declaration of war is fairly inessential to the shape of the war, since there is no prescription what minimum *period of time* should elapse between the delivery of the declaration and the initiation of hostilities. One could impute more significance to the role that issuing an *ultimatum* (“last demand”), which ordinarily precedes the declaration of war, has to play. One should presume that a state is obliged, before it declares war on another one, to notify this state in a summarising document of the demands on which it must insist irrevocably, and at the refusal of which, it will resort to the appeal to arms. But the law of peoples does not have a constraint of this kind. Here too this concerns a mere *custom*, which every state may or may not adhere to, as its interest seems to dictate at the time. Hence, at the outbreak of the current war, the German government did not feel it necessary to issue an *ultimatum* to France before it declared war on it. It simply let its ambassador in Paris pose the Prime Minister there, Viviani, the question of what France’s stance would be in the case of a war between Germany and Russia.¹¹ But the declaration of war that was presented to France on 3 August 1914 was not justified with the answer that M. Viviani gave, according to the German account, but with reference to the fact that French planes had allegedly flown over German and Belgian territory and dropped bombs on certain places. In turn, the declaration of war against Russia was not justified by the fact that, as it says in the German White Book, Russian troops

had supposedly already crossed the German border on the afternoon of 1 August and that thereby Russia had started a war against Germany, but that Russia had not complied with the ultimatum issued to it, that it should cease its military preparations against Germany and Austria-Hungary within 12 hours and notify the German government of this. It should only be mentioned in passing that, as was reported in the German White Book, there was in fact no such refusal on Russia's part. In the declaration of war presented to the Russian government, it says "since Russia refused", and in parentheses ("did not consider itself obliged") to conform to this demand ("to answer it"), and signified through this refusal ("this attitude"), that, etc., etc. From this it was concluded that the declaration of war was already a done deal and was redacted before anyone even knew whether the Russian government would refuse to commit to complying with the ultimatum or would simply let the proposed time elapse and wait for whatever came next.

The German foreign secretary at the time candidly explained the reasons for this excessive haste to the British ambassador Goschen on 4 August 1914, when he sought to make clear to him the need for Germany to march through Belgium as quickly as possible in order to deliver a decisive blow to France in the shortest possible time. Foregoing the way through Belgium would mean a delay that would enable France to bring its troops to the German border. "Rapidity in action is the Germans' great trumpcard, while that of the Russians is an inexhaustible supply of men."¹² Jagow expressed himself similarly on the same day to the Belgian emissary Baron Beyens. The march through Belgium was a question of life and death for Germany, since it had to finish off France as quickly as possible, and completely beat it to the ground, in order to then turn against Russia, if it was not itself to come between hammer and anvil. Undersecretary Zimmermann too, whom Beyens called on the day after in order to obtain his passports, gave this *strategic concern* as the decisive reason for Germany's infringement of Belgian neutrality. Zimmermann did not, Beyens writes in his report, "look for excuses, and did not refer to France's alleged intention (included in the German ultimatum to Belgium) to march through Belgium to attack Germany at the Lower Rhine".¹³

One can see from all of this that with declarations of war, it is almost always—and with ultimatums very often—a matter of *sheer formality* and that wherever war is a done deal, it still *looks for its right from itself*. Herr von Jagow and Herr Zimmermann at the time explained to the diplomats mentioned above that, from the instant that in Germany mobilisation had

been announced, the decisions about war and peace and the direction of measures for the initiation of war had *in fact already passed over into the hands of the army leadership*, with whose demands the political leadership had to align themselves.

In contrast to the determinations over the declaration of war, the convention about the laws and customs of land war establishes an obligation to compensate for damages from infringements of the prescriptions in the *Regulations respecting the Laws and Customs of War on Land* appended to this accord.¹⁴ In Article 3, it makes the warring party in the case of such infringement “answerable for all actions that are committed by persons belonging to their armed forces”. But it says nothing about the *suability of demands* that can be justifiably raised in accordance with this Article, and it is doubtful at the very least whether the sued state will acknowledge the Hague Court of Arbitration’s competence in this.

The prescriptions of the ordinance described that have in view the protection of non-combatant populations are fairly exact and would in their faithful execution also suffice to protect the population of occupied territories from the worst evils of war. They comprise the third section of the ordinance, entitled “Military force in occupied enemy territory”, and consist of *16 articles*, some of the most important of which may follow here:

Article 42: “Territory is considered occupied when it is actually placed under the authority of the hostile army. The occupation extends only to the territory where such authority has been established and can be exercised.”

Article 44: “A belligerent is forbidden to force the inhabitants of territory occupied by it to furnish information about the army of the other belligerent, or about its means of defence.”

Article 46: “Family honour and rights, the lives of persons, and private property, as well as religious convictions and practice, must be respected. *Private property cannot be confiscated.*”

Article 48: “If, in the territory occupied, the occupant collects the taxes, dues, and tolls imposed for the benefit of the State, he shall do so, as far as is possible, in accordance with the rules of assessment and incidence in force, and shall in consequence be bound to defray the expenses of the administration of the occupied territory to the same extent as the legitimate Government was so bound.”

Article 49: “If, in addition to the taxes mentioned in the above article, the occupant levies other money contributions in the occupied territory, this shall only be *for the needs of the army or of the administration of the territory in question.*”

Article 50: “No general penalty, pecuniary or otherwise, shall be inflicted upon the population on account of the acts of individuals for which they cannot be regarded as jointly and severally responsible.”

Article 51: “No contribution shall be collected except under a written order, and on the responsibility of a commander-in-chief. The collection of the said contribution shall only be effected as far as possible in accordance with the rules of assessment and incidence of the taxes in force. For every contribution a receipt shall be given to the contributors.”

Article 53: “All appliances, whether on land, at sea, or in the air, adapted for the transmission of news, or for the transport of persons or things, exclusive of cases governed by naval law, depots of arms, and, generally, all kinds of munitions of war, may be seized, even if they belong to private individuals, but must be *restored and compensation fixed* when peace is made.”

Article 56: “The property of municipalities, that of institutions dedicated to religion, charity and education, the arts and sciences, even when State property, shall be treated as *private property*. All seizure of, destruction or wilful damage done to institutions of this character, historic monuments, works of art and science, is *forbidden, and should be made the subject of legal proceedings.*”

So far the ordinance. Ostensibly, it ensures sufficient protection for the population of occupied territories from arbitrariness and looting. But how much its prescriptions can be *distorted* has become apparent during the current war. One may take, for example, Article 50, which prohibits the imposition of *penalties over an entire population* because of the actions of individuals, for which it cannot be seen as jointly responsible. There is no authority that could prevent or punish arbitrary interpretation of this provision. And so, after all, municipalities were *ransacked* through very high *financial penalties of all kinds* because of the actions of individuals, which no municipal administration or municipal police can fully prevent. Likewise, an interpretation was given to Article 52, which deals with the benefits in kind and services of municipalities or of inhabitants of occupied territories, that in the view of some outstanding international legal scholars went *well beyond its originally imagined sense*. The same applies to the interpretation of the right of requisitioning *private property*, which Article 53 circumscribes. Such pervasive use was made of it that, in effect, it *came very near to plunder*, which Article 47 *expressly forbids*. One may say with good reason, without meeting serious resistance, that the current war has proved the *complete inadequacy of the accord's determinations* about the protection of non-combatants. For some legal scholars can be found who have not only excused these abuses but even declared them to be justified and necessary results of the form of war in modernity.

3 VOLUNTEERS AND IMPOSED NEUTRALITY

More on that in the sixth lecture. For now, only the *question of neutrality* shall preoccupy us. The fifth accord of the Hague Agreement deals in five chapters and 25 articles with the rights and obligations of neutral powers and persons in cases of land war.¹⁵ Here, one has to differentiate primarily between two different kinds of neutrality, namely, *voluntary neutrality* and *neutrality imposed by the law of peoples*. Voluntary neutrality rests, as the name already indicates, on the autonomous willed decision by a state that declares it for itself and its citizens when a war has broken out, whereby it is irrelevant under the law of peoples whether it has or has not previously obligated itself to neutrality in cases of war through treaties with other states. The declaration of neutrality should ensure the state and its citizens protection against being drawn into the war and against harassment and harm through any measures by the combatants. But the guarantee of this protection is contingent on whether the state or its citizens observe the obligations laid down for neutrals in the law of peoples. Hence, so-called benevolent neutrality, which states occasionally ensure for themselves in treaties, may not go beyond merely diplomatic support. As soon as it becomes an occasion to confer some advantage on a belligerent treaty partner in their war conduct, their neutrality counts as infringed, which gives their enemies the right to wage war on the state that acts in this way as well or rather to take warlike measures against it. The most important rights of neutrality are summarised in the phrases “The territory of neutral Powers is inviolable” and “Belligerents are forbidden to move troops or convoys of either munitions of war or supplies across the territory of a neutral Power”. Further, according to Article 10, a neutral power has the right to *resist* any infringement of its neutrality *by force*, and such an act may *not be seen as a hostile action*. For its part, it may not *tolerate* any of the actions by belligerents or their commissaries described in the relevant article within its territories and must ensure that telegraphs or telephone lines or installations for wireless telegraphy belonging to private persons or private companies are not used for the belligerents’ military purposes. Also, neither may corps of combatants be formed on their territory nor may recruitment offices be opened for the benefit of belligerents. However, it is not answerable for cases where people individually cross the border to enter the service of a belligerent, and it is only obligated to punish actions that run counter to their neutrality if these actions were committed on their own territory. Further, Article 7 of the first chapter of this accord says:

A neutral Power is not called upon to prevent the export or transport, on behalf of one or other of the belligerents, of arms, munitions of war, or, in general, of anything which can be of use to an army or a fleet.

As is well known, this Article has had the result that the United States did not limit the export of weapons and munitions to the countries of the Entente, although exporting these to the countries of the Central Powers was prevented by the power that England wields on the ocean. Against reproaches that, under these conditions, the permission of exports one-sidedly advantaged the Entente and, as such, contradicted the spirit of neutrality, the US government replied that the advantage that might accrue to England and its allies from their superiority at sea was a matter that should influence its behaviour as little as the advantages of any other power from their power position on land. A ban on exporting weapons and munitions to countries in the Entente would, on the contrary, be seen by these as a non-neutral act so long as that Article of the Hague Accord was not overturned. Rather, it would be a non-neutral, that is, *hostile*, act against the Entente if the United States deprived it of the advantage which accrued to it from its position at sea.

This was indisputable according to the prior practice and the further meaning of the concept of neutrality. Neutrality has nothing to do with *justice*. It also does not mean impartiality. It just means the observance of certain measures of behaviour.

A second chapter of the accord over neutrality in land warfare concerns the *treatment of belligerents' troops who trespass into neutral territory* and of the wounded who find themselves in care. A neutral power has the obligation to accommodate belligerents' trespassing troops as far from the theatre of war as possible, either by detaining them in camps or imprisoning them in fortresses or in other suitable places. Escaped prisoners of war who flee into their territory thereby attain their freedom, but if they are allowed to stay in the neutral state's territory, they must be assigned a place of residence. The third chapter deals with the *rights and obligations of neutral persons*, that is, actions that are not protected by neutrality, and those that are not regarded as an infringement of neutrality.

Three states, who in other matters are granted full legal capacity to act under the law of peoples, have been placed in a state of *permanent neutrality* through *international treaties* by the great powers. These are *Switzerland* since 20 November 1815, *Belgium* since 19 April 1839, and *Luxembourg* since 11 May 1867. These states are *bound* to make no

treaties in peacetime that might obligate them to wage war. They themselves may also not declare war without thereby losing the protection ensured them by their neutralisation by the treaty powers. In turn, however, it does not count as an infringement of neutrality if they *oppose* attempts to breach their neutrality *by force of arms*. In contrast, they are *bound* to offer every possible resistance to oppose such attempts. With this resistance, they can *claim the support of the remaining powers*, that is, not only of *those* powers that originally agreed and vouched for their neutrality by treaty—the technical expression for this is *guaranteed*—but also of the *other* powers who tacitly gave their consent to this treaty guarantee. The law of peoples declares every tacit acceptance of treaties that are officially communicated—“notified”—to a state as its acknowledgement of their legal force. Regarding the obligation of the guaranteeing states, we read in Liszt:

But *in particular*, neutralisation binds the *guaranteeing* state, that is, those states who have bound themselves to *protect* the integrity (inviolability) of the territory of the neutralised state, and if necessary to *defend* it by force of arms.¹⁶

In particular, then, according to Liszt, Germany would have been bound to protect Belgium's neutrality in 1914. It did the *opposite* and more. It infringed its neutrality and let the Belgian people suffer in an awful way for doing what it was *obligated* to do, namely, opposing with arms the breach of its neutrality.¹⁷

NOTES

1. Max Beer, *“Das Regenbogen-Buch”*: *Deutsches Weissbuch, österreichisch-ungarisches Rotbuch, englisches Blaubuch, französisches Gelbbuch, russisches Orangebuch, serbisches Blaubuch und belgisches Graubuch: Die europäischen Kriegsverhandlungen: Die maßgebenden Dokumente, chronologisch und sinngemäß zusammengestellt, übersetzt und erläutert* (Bern: Verlag Ferdinand Wyss, 1915).
2. *Ibid.*
3. See Stephen J. Valone, “‘There Must Be Some Misunderstanding’: Sir Edward Grey’s Diplomacy of August 1, 1914”, *Journal of British Studies* (1988), pp. 405–24.
4. *Hansard* HC Deb vol. 65 cc1833–48 (3 August 1914).

5. George Bernard Shaw, "Common Sense About the War", in *The New York Times Current History of the European War* (New York, NY: The New York Times Company, 1914), vol. I no.1: "What Men of Letters Say", p. 20.
6. *Ibid.*, pp. 21–2.
7. Thomas J. Lawrence, *The Principles of International Law* (London: Macmillan, 1895), p. 53.
8. Saint Petersburg Declaration of 1868, in full: Declaration Renouncing the Use, in Time of War, of Explosive Projectiles Under 400 Grammes Weight.
9. This is the so-called Oxford Manual on the Laws of War on Land.
10. *Convention (II) with Respect to the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land* (The Hague, 1899).
11. Jean Raphaël Adrien René Viviani (1863–1925), French politician and Prime Minister of France during the July Crisis.
12. Beer 1915.
13. Napoléon-Eugène Beyens (1855–1934), Belgian diplomat and ambassador to Germany from 1912 to 1914, later minister of foreign affairs in Charles de Broqueville's government-in-exile. Arthur Zimmermann (1864–1940), German civil servant and politician, German foreign minister from 1916 to 1917, best known for the Zimmermann Telegram that proposed a military alliance between Germany and Mexico in response to the USA's entry into WWI, also involved in plans to support rebellions in Ireland, India, and the Bolshevik Revolution in Russia.
14. *Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land* (The Hague, 1907).
15. *Convention (V) respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land* (The Hague, 1907).
16. Franz von Liszt, *Das Völkerrecht: systematisch dargestellt* (Berlin: Verlag O. Haering, 1902 [1888]), p. 61.
17. [Ed. B.—With the end of the war, Belgium and Luxembourg were freed of their obligated neutrality, which due to the League of Nations would anyway become meaningless. Meanwhile, Switzerland wishes to retain its neutrality.]



The Law of Peoples and War II

I THE RIGHTS OF STATE AND FREE BELLIGERENTS

The purpose of war, as opposed to its goal, is to exercise *coercion on a will* [*Willenszwangs*]. That means that one wages war to move someone else to concessions—ceding territory, renouncing particular legal claims, granting sureties, and so on—which he does not want to make voluntarily, as well as in some circumstances to render him unable to exercise coercion according to his own will. Depending on the kind of goal aspired to and the power relation of the belligerents, war can take various forms. In one case, a few warlike acts can suffice to break the enemy's will, whereas in another, unleashing and applying all kinds of military means becomes necessary to realise the coercion of their will. The law of peoples today *only acknowledges states as belligerents*. Violent uprisings or revolts by a state's subjects against their government or against a foreign state are not regarded as war in the sense of this word under the law of peoples and thus also do not lead to the conferral of those rights and claims that the law of peoples grants to belligerents. Nevertheless, insurgents can, if they have in fact occupied part of a state's territory and taken it into orderly administration, and insofar as they are in the position of sustaining regular ties to other states, be recognised by these as a belligerent power.¹ Likewise, a state can transfer the right of waging war to parts of the state, like colonies, and certain groups of citizens, such as colonial companies, and semi-sovereign states have a claim to the right of war if a particular arrangement

with their protector state (suzerain) for this exists and has been made known. States which have not joined the community of the law of peoples, and peoples that have not yet achieved state formation, do not count as belligerents in the sense prevalent under the law of peoples and thus have no claim to those considerations which, for example, are to be observed by belligerents towards neutrals.

Depending on whether the war is waged on land or at sea, different prescriptions apply to it. Acknowledging the fact that war is concerned with breaking the enemy's will to resist in the shortest possible time, one has sought to *rule out* the use of those means of war that bring about destruction and cause suffering beyond this war aim and also agreed provisions for the *protection of non-combatant populations* which were already partly addressed in the previous chapter. The theory that *every* means that forces the enemy power to submission is justified in war, propagated frequently and especially strongly in Germany, stands in *direct contradiction* with Article 22 of the 1907 Hague Agreement, ratified by Germany and the other great powers of the civilised world, which says: *the right of belligerents to adopt means of injuring the enemy is not unlimited.*² And according to Article 23 of this agreement, the following are expressly forbidden:

- (a) To employ poison or poisoned weapons
- (b) To kill or wound treacherously individuals belonging to the hostile nation or army
- (c) To kill or wound an enemy who, having laid down his arms or having no longer means of defence, has surrendered at discretion
- (d) To declare that no quarter will be given
- (e) To employ arms, projectiles, or material calculated to cause unnecessary suffering
- (f) To make improper use of a flag of truce, of the national flag, or of the military insignia and uniform of the enemy, as well as the distinctive badges of the Geneva Convention
- (g) To destroy or seize the enemy's property, unless such destruction or seizure be imperatively demanded by the necessities of war
- (h) To declare abolished, suspended, or inadmissible in a court of law the rights and actions of the nationals of the hostile party

Belligerents are likewise *forbidden*, it says in the final section of the Article, "to *compel* the nationals of the hostile party *to take part in the*

operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war". Article 25 says, further:

The attack or bombardment, by whatever means, of towns, villages, dwellings, or buildings which are undefended is prohibited.

And also Article 26:

The officer in command of an attacking force must, before commencing a bombardment, except in cases of assault, do all in his power to warn the authorities.

All surely very well-meant prescriptions. But it would fill entire volumes if one wanted to count up all the cases where in this war some or other of the prohibitions enumerated here were brutally infringed, either by states' own admission or through the indication of representatives of the affected party or neutrals. The accusations are directed at the majority of the nations participating in the war, but they are divided in very different proportions under the individual rubrics. English decrees, issued immediately after the start of the war, which forbade payments or money transfers to citizens of any of the enemy countries, were branded as an infraction against paragraph *b* of Article 23 of this agreement and offered as evidence that England had thereby infringed the law of peoples and foregone the right to register complaints about any actions by its enemies that contravened the law of peoples. The French were accused of having infringed paragraph *e* of Article 23 through their use of dum-dum bullets and thereby given its enemies the right to likewise place themselves above the provisions of this paragraph. And the German war command was accused of having systematically in part directly ordered and partly through ambiguous directives caused or tolerated actions counter to points *a, b, c, d, e, g*, the final paragraph of Article 23, Article 25, and Article 26. In many cases, these charges may be underpinned by exaggeration, and several of them may be entirely without basis. But it is incontrovertible that in a vast number of cases, crude infractions were indeed committed against these provisions. With the phrase "war is war", and with reference to occasional statements by the enemy military that the cruellest and most destructive war conduct was also the most humane, specifically because it allegedly brought war to an end the fastest and acted as a deterrent for further wars, some people claimed the right to *ignore the described prohibitions*. The same people also sought to twist the provisions so far through artful interpretation that in

practice they were made almost ineffective, and where ambiguous words were available to tear holes in the prohibitions, wide use was made of them.

When, for example, paragraph *e* of Article 23 forbids the use of weapons, projectiles, or substances designed to *cause unnecessary suffering*, the art of interpretation is given the opportunity to declare everything imaginable to be allowed, by restricting the meaning of the concept *unnecessary*. Under today's view of warfare, firing at people, and so on, fundamentally only has the aim of rendering them *incapable of fighting* for the duration of the war. Killing them with projectiles or other substances is thereby an unavoidable side effect and not an intention that is already included in the purpose of warfare. But, in fact, in practice it is often enough precisely the killing that is put in the foreground, and army leaderships report with satisfaction how great a number of the enemy dead litter the battlefield. If the purpose of battles was merely killing, point *a*, which forbids the use of *poisons* or *poisoned weapons*, would not make sense, and a poison that immediately kills entire armies would be the ideal weapon. And it is not as though we are short of people who advocate poison warfare almost fanatically. On the use of gases in war, we have gradually reached the point of only releasing those gases on enemy troops that have a numbing effect, without permanently damaging the organism of those who breathe it in. But then, gases were used that poisoned people's lungs in such a way that they either died after terrible agonies that lasted for days or that they had permanent lung conditions as a result. And then there came the prospect of using poison gases that killed every living thing for many kilometres around. The facts that have become known about this are so appalling that the Committee of the Red Cross saw itself induced to register a general protest against the use of these gases, and German Reichstag delegates received letters calling on them to campaign with the greatest energy for this protest to produce results. For it is *regrettably Germany* in particular where renowned chemists resorted to concocting gas compounds that would make such killings possible on a large scale. But since no country has a monopoly on the production of poison gases, the result of a shift to using absolutely deadly gases would not have the effect of eliminating war but would with its terrors only raise the hatred that it causes from nation to nation beyond measure.

Let us take another point. Paragraph *g* forbids the destruction or removal of enemy property except in cases where it is "urgently required by the demands of war". But what does *urgent* mean here? If a state plunders machines, raw materials, and so on, from factories in an occupied

territory because it needs or professes to need them for the purposes of the war it is waging at the time, it will presumably always be an easy matter for it to deal with the restricting word “urgent”, insofar as it does not have any other scruples. Further, we have seen how few difficulties an unscrupulous belligerent of this kind can have in dealing with Article 25, which prohibits it from attacking or bombarding undefended towns and so on.

Also important with respect to land warfare are the provisions that concern the recognition of combatants as belligerents. Not everyone who feels himself disposed to take up arms against troops that have invaded his country is recognised as such a belligerent, such that, in case he is taken prisoner, he has a claim to be treated as a prisoner of war. In the German-French War of 1870–1871, such people (*franc-tireurs*, called *Freischützen* in German) were shot or strung up without further ado; in this war, this has frequently been repeated on a very large scale. According to Article 1 of the *Regulations respecting the Laws and Customs of War on Land*, militias and corps of volunteers are only recognised as belligerents if they meet all the following conditions:

1. To be commanded by a person responsible for his subordinates
2. To have a fixed distinctive emblem recognisable at a distance
3. To carry arms openly
4. To conduct their operations in accordance with the laws and customs of war³

Further, Article 2 of the ordinance also grants recognition as belligerents to the population of a non-occupied territory which reaches for its weapons of its own accord when an enemy approaches to fight the invading troops, without having had the time to organise itself in line with Article 1, so long as it *carries arms openly* and observes the laws and practices of war. This accommodation of the right to defend one’s own country may have been well-meant, but it also allows *far too much room* for interpretation to protect free defenders of their country from being treated as having offended against the law of war. Even a regular soldier does not carry arms openly at all times. He is allowed every subterfuge imaginable as a scout or a picket in order to attack enemy scouts or pickets. Article 24 of the section that deals specifically with hostilities expressly declares that *military ruses* are *permitted*. So one cannot expect the *franc-tireur* to eschew such ruses. The prescription above is justified by the fact that, if free or conscripted belligerents are not differentiated from the non-combatant population in

any way, the latter would be exposed much more to the danger of being fired on as *franc-tireurs*—which seems obvious enough, as long as one really adheres strictly to the notion of keeping the terrors of war far away from the non-combatant population. But betraying this fundamental principle and at the same time constraining the right to self-defence means doubly punishing the population on whom one inflicts war.

2 SPIES AND PRISONERS OF WAR

In connection with this, the question of who actually should be regarded and treated as a *spy* in wartime must also be discussed. We have read that, during the current war, inhabitants of occupied territories were shot again and again in significant numbers “as spies”. Article 29 of the *Regulations* says “A person *can only be considered a spy* when, acting clandestinely or on false pretences, he obtains or endeavours to obtain information in the zone of operations of a belligerent, with the intention of communicating it to the hostile party.” The mere *fact* of communicating a piece of information to the enemy party or an attempt to do so *is therefore not enough* to label the perpetrator as a spy, and thus the question arises of whether the number of persons—which runs into the hundreds and thousands—who were shot as “spies” in Belgium, Galicia, Serbia, and so on, were really to be regarded as such in the sense of this *Article, which had been ratified by the great powers*. Apart from this, one’s natural feeling of justice bristles at describing as spies people who out of free motivation, and in the interest of liberating their country, seek to deliver information to its defenders. A certain hatred is always associated with the concept of espionage which, for example, does not attach to the concept of a scout, and when a spy is captured, he is also not simply treated as a prisoner of war but court-martialled and in countless cases shot without further ado. But natural popular sentiment will never regard a person who passes on information for the defence of his own country as anything other than a patriot in the *better* sense of this word. It is not clear why people to whom this criterion applies should not likewise be treated as prisoners of war if one seizes and convicts them.

No fewer than 17 articles of the ordinance, namely, Articles 4–20, are preoccupied with the question of *prisoners of war*.

Article 4 stipulates that they are subject to the power of the enemy *government* but not to the power of the *persons* or *divisions* who have taken them prisoner, that they should be treated with *humanity* and that, with

the exception of weapons, horses, and documents with military content, everything that personally belongs to them *should remain their property*.

This Article was also infringed only too often in the current war and not even by soldiers who had been coarsened by the war or who were deeply uncultured. No indeed, actions that contravened the spirit of this Article in the most brutal way were variously recommended to soldiers by their *superiors* themselves, and a great number of writings can be found that have not even merely whitewashed such infractions but even directly *glorified* them. Such actions will take place particularly often where soldiers are systematically whipped up against the members of a certain nation or race by the literature available to them.

Article 6 authorises the state to use prisoners of war, with the exception of officers, as workers according to their rank and their abilities. But these works, it says, may *not be excessive* and may not be in any way related to their military undertakings.

This latter addition, as definite as it sounds, has likewise been interpreted in ways that have provoked a full range of complaints and protests, and even if one were not to consider the great number of cases that concerned works that were merely indirectly related to military undertakings, for example, the manufacture of materials used in further processing for the manufacture of weapons, munitions, and so on, very many cases would still be left over where prisoners of war were used directly for manufacturing war materials.

Work by prisoners of war for the state should be remunerated at the same rates as those that apply to military persons of the state's own army for carrying out the same work or, in case such rates do not exist, at a rate that befits the work performed. The state can allow prisoners of war to carry out work for public administration or for private persons or on their own account. In the first two cases, the conditions are settled in agreement with the military authority, and the earnings of prisoners of war should be used to improve their situation, with the excess paid to them after deducting the costs of maintenance when they are released.

Article 7 prescribes that the government in whose power prisoners of war find themselves *has to care for their maintenance* and that, where no particular understanding exists between the belligerents, prisoners of war are to be treated as regards their food and clothing on the same footing as the troops of the government that took them prisoner. In general, prisoners of war are subject to the laws, prescriptions, and orders that apply to the army of the state in whose power they find themselves. Attempts by

prisoners of war to flee can be punished disciplinarily, if these are recaptured *before* they have reached their army or left the territory occupied by the troops by whom they were taken prisoner. By contrast, prisoners of war who are recaptured after a successful flight may *not be punished*.

Articles 10–12 of this section deal with the question of release on parole, Article 13 stipulates conditions under which persons who follow an army without directly belonging to it have a claim to be treated as prisoners of war, and three Articles—14 to 16—address the establishment of information offices for prisoners of war and list their tasks, as well as the support that should be lent to them and to aid organisations for prisoners of war duly formed according to the laws of that country.

On the whole, one must say that the spirit of the provisions in this section is a humane one, so that faithful compliance with them would to some degree ensure prisoners of war the same tolerable existence to which they would reasonably have a claim anyway. Admittedly, no law can eliminate the great damages that wartime imprisonment has as a result through separation from family members, from jobs, or from business over a longer period of time. One must insist all the more—and this realisation must be spread among the people, which in this regard is still subject to the influence of all manner of prejudices—that a prisoner of war *may under no circumstances be regarded or treated as inferior*. Self-evidently, all of this not only applies to prisoners in land warfare but also to those in *naval warfare*.

3 NAVAL WARFARE: BLOCKADES AND THE LAWS OF PRIZE

But, moving on, a great number of provisions apply to naval warfare that differ substantially from those that apply to land warfare. This is because the conditions and forms of naval warfare naturally differ on many points from those of land warfare. Land warfare in recent times takes place almost exclusively in territories that belong to one of the belligerents or are inhabited by its citizens. Neutral territory should remain spared by it, and where this does not happen, the state or power that brings war into the territory of a neutral power counts as having breached its neutrality and may be treated by it as an enemy without incurring any of the legal consequences of breaking its neutrality. Naval warfare takes place mainly on the *open sea*, which, as outlined earlier, is regarded as *belonging equally to all nations*, or is waged from it. Its purpose is not merely the vying of naval forces but also *cutting off* the enemy power from *sea traffic* and *maritime trade* as far as possible, and this precisely is the point of departure for the most essential

differences between naval and land warfare. In land warfare, cutting off imports, so far as these take place on land, happens automatically to the extent that one of the belligerent parties invades the other's territory and holds it under occupation. Nowhere will a land army or a land occupation during wartime tolerate imports of provisions and war material into the enemy's as-yet unoccupied territory. Cutting off imports, which can under certain circumstances mean starving the country against which war is being waged, is occasionally the natural consequence of land warfare. It is therefore completely false to portray attempts at starvation, that is, forced subjection through the precipitated need for provisions, as something new and unheard-of under the law of peoples. In general, the creation of famine has been an outcome of war since antiquity and has often enough—especially through sieges—been a favoured means of war, and it is surely morally the same whether one wants to force a town or an entire country to surrender by besieging it.

Besieging in naval warfare happens in the most direct and *visible* form through *blockades*, by which is meant blocking an enemy strait or stretch of coast, port, or any other place, the mouth of a river, from sea traffic. "The blockade, which cuts off the enemy from approach by sea", we read in Liszt, "*is one of the most effective weapons in naval warfare*".⁴ This in 1913, before the noise erupted about the "hunger war" conducted by England. The efforts to limit the right to blockade are not to be traced back to the inhumanity—or whatever else one wants to call it—of the blockade but emerged from the effort to secure *trade between neutrals* wherever possible from interference by naval warfare. For, as it says next quite rightly in Liszt, the blockade is "a heavy intervention in the interests of neutral trade". By declaring a blockade, a belligerent naval power asserts its right to *stop* every ship that wants to sail into the blockaded territory, to *seize* it if it is the ship of an enemy power, and, if it belongs to a neutral power, to plunder it of any cargo declared to be war contraband. And it is not the blockade of the German North Sea coast itself but the *expansion of the concept of war contraband* on the part of England about which there are disputes in the world of experts in the law of peoples and against which the complaints also make sense. One understands under war contraband goods whose import into a certain country has been banned by the power at war with it. Which is also why recently the term "banned wares [*Bannware*]" has recently become the favoured term for that word, which has long since entered general linguistic usage. Determining which objects it would treat as contraband was for a long time placed at the discretion of

every belligerent state and was only limited by special agreements between particular states or groups of states. However, the relatively backward development of maritime trade for the life of nations had the effect that the concept of contraband was restricted to a few wares that came directly into consideration for war. But the more recent development, which has brought war into ever-closer relation to the whole economic organism of nations, has led to the scope of the concept of contraband being expanded more and more. Not only objects used for war either directly or with only slight changes in form but also those that only become useful for this purpose after further processing, or as auxiliary material for the purposes of attack or defence, have been included in the concept of contraband.

Likewise, the treatment of transported goods as contraband was extended by the arrival of the *theory of the onward journey*. This theory starts from the idea that it is all the same whether goods intended for an enemy country are despatched to it directly or whether they are transported to an intermediary port to be delivered to it from there onwards by another route. Put differently, it is not the nearest loading place but the final destination that designates the good as contraband. This formation of the *theory of the onward journey* must be seen as the natural consequence of the almighty development of modern traffic. Every blockade would be rendered entirely ineffective if the articles destined for the country in question, which would otherwise fall under the concept of contraband, could be delivered to it via a neighbouring neutral country. The efforts of maritime powers therefore naturally aim to prevent such indirect imports by blocking them as well. Given the slow transport over land, it mattered little in earlier centuries if raw materials that might be useful for war were delivered to a country from whose ports there was still a long land route to cover to the country it was at war with, so that there was no traffic worth mentioning on land, and also none that could be brought about at short notice. But if today there is a strong traffic in goods between two countries that can quickly and significantly be increased without great effort, perhaps just by installing a greater number of railway trains, this interferes quite strongly in the possibility of implementing a blockade, and against this is derived the right to give the theory of the onward journey greater scope, although this is strongly contested by those interested in unrestricted sea traffic in wartime and peacetime.

With respect to contraband itself, a distinction is drawn between *absolute* and *relative* contraband. The former, which consists partly of articles of *immediate war needs* or articles that *exclusively* serve the production of

war material, may be seized if it is proved that they are intended for the enemy or enemy-occupied *territory* or rather for the *enemy armed forces*. Items of *relative* contraband may be seized if it is proved that, even without being an immediate war need, they are intended for the use of the *armed forces* or administrative centres of the enemy *state*. To this belong, *inter alia*, according to Article 24 of the final protocol of the 1909 London Naval Warfare Conference, food provisions, animal fodder, clothing for military purposes, railway material, munitions material, vehicles of any kind, and so on.⁵

But this categorisation is not final. Belligerent powers are free to declare objects or substances that have not yet been counted as exclusively usable for war to be such through retrospective notification and likewise for objects or substances not previously declared relative war contraband. This authorisation, conferred on them by Articles 23 and 25, can be explained by the fact that modern technology is constantly advancing and that therefore no finality can be reached in how materials may be used.

Article 27 of the London Declaration now prescribes that objects and substances that cannot be used for warlike purposes “*may not* be declared contraband of war”, and Article 28 lists in 17 sections objects of the most variable kind for which this prohibition should apply. The English government, however, after it had declared a blockade of German and German-occupied North Sea ports, nonetheless declared a number of these articles war contraband and justified this by saying that today they do, in fact, serve in one way or another for the production of war material. This distortion of the concept of war contraband is the second measure with which England can be charged as an offence against the law of peoples regarding its so-called hunger war. By contrast, England’s defenders insist that the expansion of the list entirely conformed to the spirit of the division into absolute and relative contraband and free goods. Everyone should know already from the first object on the free list, namely, *raw cotton*, what a monstrous role it played in the war today in the manufacture of guncotton; and, if anything, England damaged itself terribly by dithering far too long before it also declared cotton as war contraband and similarly with other articles declared as such retroactively.

That may be materially correct, and in Liszt too, where he develops the fundamental principles of the law of peoples, it says that “the concept of contraband is circumscribed by the suitability of the goods for war conduct”, but according to the letter of the Declaration, England is here doubtless in the wrong.⁶

Regarding cutting off provisions, we have seen that Article 23 of the London Declaration allocates these “without further ado” to *relative* contraband. According to Article 33 of the Declaration, they are thus subject to requisition if it is proved that they are intended for use by the armed forces or administrative centres of the enemy state. With provisions, it would then have to be determined if they were intended for the civic population or for the administration and the army. This too England rendered ineffective in practice, referring to the impossibility of even making this distinction given the current expansion of armies, as it did with the stipulation of Article 35, which declared impermissible any reference to onward journeys for objects of relative contraband. This was a breach of the law of peoples regarding neutral shipping, whereas the *purpose* pursued with it towards the country it was at war with is *not* regarded as impermissible under the law of peoples. Contraband—and, under certain circumstances, also the ships carrying war contraband—are subject to seizure by the power that has declared the blockade.

For the legal validity of a blockade, besides prescriptions about the kind and form of its declaration, the stipulation applies that it must be *effective*. No state may declare a port or a coastline blockaded if it does not in fact effectively control their approaches with its warships. The blockade by mere declaration and partial or only occasionally exercised control, the so-called blockade on paper that occurred in earlier times, was declared invalid in 1856 by the Paris Declaration Respecting Maritime Law.⁷ Further, at this conference, held at the close of the Crimean War, so-called privateering in the narrower sense of the word was banned—namely, the seizure of ships by private vessels whom a belligerent power had authorised to do so through particular writs, called letters of marque. Before then, it was a favoured means for governments whose navy was not adequate for waging a war at sea effectively against another power, to issue such letters of marque to private vessels who turned this into a business, letters which in reality were the sheerest legitimization of *piracy*. Not from nowhere therefore did Goethe say in *Faust*, the second part:

War, trade, and piracy, allow,
As three in one, no separation.⁸

The Paris Declaration Respecting Maritime Law did not abolish piracy but only limited it to more precise forms. The right to requisition the ships of citizens of an enemy power in war, the so-called law of prize [*Prisenrecht*]

or *right of capture* [*Seebeuterecht*], is still practised today. But, apart from warships of the belligerent power, it can only be exercised by its trade vessels if these are authorised to do so by the highest naval authority of their country and fly the naval standard. There are certain laws about the circumstances in which a trade ship may be seized, the law of prize, and certain law courts—courts of prize—decide in each country whether the requisition was justified, for which one uses the expression “lawful prize”. Only after this verdict is reached does the ownership of ship and cargo transfer to the state whose ship carried out the requisition. *Piracy* is thus, so to speak, nationalised or turned into a state monopoly. Since each state’s court of prize consists of its citizens, the strict impartiality of its judgments should obviously not be regarded as guaranteed, and legal opinions about what “lawful prize” is can vary greatly from country to country. Hence the effort, as long as the right of capture itself is not fully eradicated, to create a court of appeal against suspect national prize verdicts by establishing an *international court of prize*. At the London Conference on Naval Warfare in 1909, the introduction of such an international court of prize was also recommended, for which at the Hague Conference of 1907, a statute had already been agreed that went into very considerable detail. However, the formation of this international court did not come about. In England, in 1912, the House of Commons passed a proposal by the government to recognise this court of prize with a sizeable majority. But the House of Lords withheld its consent, and without England’s participation, the matter was put off until later indefinitely. The great majority of the English admirals, going on 50 in number, explained that waiving the right of capture or delivering the same up to a court of dubious composition could mean losing a war for England. It is still doubtful whether the experiences of this war will result in a reversal of opinion in England. The principal supporters of free trade in England have almost universally advocated the complete abolition of the right of capture. But, after all, free trade has itself been dealt a very heavy blow by this war. Apart from that, the English insist that the use that had been made of the right to collect war contributions and penalty levies by the Central Powers on land had, in countless cases, hit private property at least as hard as its exercise of the right of capture. Banning the latter and allowing the former would mean nothing more than granting land powers a premium on assaulting weaker neighbours with war. Bringing logic into the law of war without violating the facts is a task that, in view of the steady progress of technology, amounts to the eternal problem of squaring a circle.

4 NAVAL WARFARE: SEA MINES AND SUBMARINES

Sea mines—devices which have the purpose of damaging as heavily as possible or, rather, sinking the craft that runs into them—play a not inconsiderable role in naval warfare. Fundamentally, they are therefore only aimed at warships belonging to the enemy power, and the prescriptions of the law of naval warfare with respect to them start with the idea of protecting trade shipping from them as far as possible.

Sea mines are floating vessels *filled with a violent blasting agent*, which are made to explode simply at the slightest contact with a craft—*automatic contact mines*. One can differentiate between *anchored* and *free-floating* contact mines; the latter also called *scatter mines*. Laying the latter is *forbidden* under Article 1, paragraph 1 of the eighth Hague Accord of 1907, if they are not devised in such a way “as to become harmless one hour at most after the person who laid them ceases to control them”, a provision which, if it were strictly adhered to, would only allow them to be used effectively in naval battles themselves.⁹ But it has been frequently flouted. With the same intention, paragraph 2 of the cited Article forbids the laying of *anchored* automatic contact mines if these do not *become harmless* as soon as they have *torn loose* from their anchor, and paragraph 3 bans the use of torpedoes that do not become harmless after they have missed their target. Further, under Article 2 of that Accord, it is forbidden to lay automatic contact mines before an enemy’s coasts and ports for the general purpose of preventing *trade shipping*. It is naturally inevitable that wherever the passage of warships is inhibited by mines, that of trade vessels is also prevented or restricted to those ships staffed with pilots who have been made aware of the position of the mines. But ports and coasts that do not concern warships should *not be blocked by mines at all*.

Additionally, according to the fundamental legal principle of the freedom of the seas, those powers who lay automatic contact mines are obligated to *notify all interested parties* about this in an appropriate way *with a precise indication of the location*—the “minefield”—and to meet safety regulations that conform to the prescriptions of the above Article 1 of the accord. How often these prescriptions were contravened in the current war, whether through negligence or *deliberately*, only a very careful examination would ascertain. Accusations that this took place were, as observed, repeatedly raised. The English claim that they only took steps to tighten the list of contraband and declare the North Sea a theatre of war against Germany after the latter laid scatter mines in the North Sea, against their

express prohibition under the law of peoples. But on the German side, England's *distortion* of the concept of banned goods was taken as the occasion to declare and practice *unrestricted submarine warfare* against it. In this case, unrestricted means *without consideration* for the prescriptions against it in the law of peoples hitherto.

The *submarine* has taken on a similar function in naval warfare to the one that the unanchored automatic sea mine fulfilled hitherto. One can categorise it as an *intermediary* between the warship and the scatter mine. It shares with the warship the operation by persons and the *planned* navigation and firing that this enables, and with the scatter mine, it has in common the movement underwater and its well-nigh absolute inability to be controlled by enemy ships. Towards warships, all forms of fighting are open to it under the law of peoples, so also the right to fire on them without warning, or rather, to torpedo them. It is different with trade vessels, whether merchant ships or passenger ships. Towards these, submarines should observe the considerations that the law of peoples prescribes for their protection and for that of the *people* sailing on them. Now for warships, under the law of peoples, the rule holds that they can stop, examine, and seize ("capture") an enemy trade ship, and so on, but should allow it to be steered into the nearest port either by its own or the warship's own crew, and then it is decided there whether the requisition was justified—"lawful prize"—in which case the ownership of ship and cargo transfers to the state. Only in the case that the ship *offers resistance* to an instruction to stop may it be sunk to the bottom of the sea or likewise if its course exposes the warship itself to urgent danger, for example, because of the great distance of the nearest port, being threatened by enemy ships, or similar. Here, the custom in war hitherto was that the warship would if possible itself take the men and any passengers of the stopped ship on board before sinking it or, if that was unfeasible, give them every opportunity to escape onto boats. With submarines, which are mostly too small to take any meaningful number of persons other than their own crew on board, the possibility just to rescue the men and so on of a ship that is to be sunk falls away, and even the provision of a period of time to escape onto their own boats has often been provided to such crews completely insufficiently by submarine commanders. That may be because those in charge wanted to bring their own ship to safety from ambushes by enemy warships as quickly as possible or to mete out some retaliation or the equivalent. Men who wanted to escape onto boats were not given the time to stock provisions and protections against the inclemencies of the weather,

although they had to spend many days on the open sea before they could hope to reach land, and this often in the bitterest winter. But the war led to far worse. In retaliation for England's so-called hunger war, Germany declared whole parts of the open sea a prohibited area [*Sperrgebiet*], in which it would allow not only the enemy's trade, vessels, and so on to be torpedoed but also in individual cases those from neutral countries without warning and also put this into effect once a previously determined period of time had elapsed. This "unrestricted submarine warfare" is supposed to represent a kind of *submarine blockade* of England. But since German submarines only ever destroyed a modest percentage of the ships sailing from and to England—rarely more than half a per cent per week—this blockade is ineffective in the sense of the law of peoples and thereby conforms to the concept of a *blockade on paper* according to the Declaration on Maritime Law of 1856, and is hence contrary to the law of peoples. Nearly all neutral powers *registered protests* against the unrestricted submarine war and *did not accept* the excuse that Germany was waging it in self-defence or distress. Holland, the Scandinavian states, and Spain let matters rest at protest and the demands for damages, whereas the United States took Germany's blocking of parts of the open sea and the sinking of neutral ships by German submarines as the occasion to break off diplomatic relations with Germany and followed this break by declaring war, and likewise some of the South American states. The meaning of the whole dispute over this right to blockage for the question of the freedom of the seas is entirely obvious. If it comes to a peace settlement, people will surely insist on imposing certain boundaries on the right to blockade, which under no circumstances may be crossed by a maritime power or alliance.

5 NAVAL AND AERIAL BOMBARDMENT

Two accords of the 1907 Hague Conference concern *bombardment by naval forces* in times of war and the application of the fundamental principles of the *Geneva Convention to naval warfare*.¹⁰ In the latter case (the tenth accord), it is primarily a matter of protecting *hospital ships* from being treated as warships. Under Article 1 of the accord, those ships are recognised as hospital ships "that are constructed or adapted by the state solely to bring help to the wounded, sick, or castaways, and whose names are communicated to belligerent powers at the start of or during hostilities, but at any rate before any kind of use". According to Article 5, they are to be identified by an external white coat of paint with a horizontal

green stripe approximately one-and-a-half metres wide (hospital ships fitted out by private persons or companies bear a *red* stripe). Next to the national flag, they must fly the *white flag with a red cross* designated in the Geneva Convention and take precautions that their identifying colours are sufficiently visible at night. If all of this happens, then they may neither be seized nor treated as warships.

But the latter happened nevertheless. At various times during this war hospital ships were sunk as well, like just recently the English hospital ship *Rewa* in the Bristol Channel in January 1918.¹¹ Naturally, in no case where that happened was there a dearth of excuses for it. But where a sinking is not at least preceded by an attempt to identify a misuse of the hospital flag, sinking such ships is generally to be harshly excoriated and decried as a *breach of the most elementary fundamental principles of the law of peoples*.

The accord about bombardment (the ninth accord) forbids in Article 1 “the bombardment by naval forces of undefended ports, towns, villages, dwellings, or buildings”, and a place “cannot be bombarded solely because automatic submarine contact mines are anchored off the harbour”.¹² Article 2 exempts from this prohibition “military works, military or naval establishments, depots of arms or war materiel, workshops or plants which could be utilized for the needs of the hostile fleet or army, and the ships of war in the harbour”. One only needs to critically reexamine this list to notice, given the elasticity of the concept “*could* be utilised”, how relatively easy it is made for trigger-happy people to come up with excuses on the basis of which they can take the liberty of bombarding localities of a thoroughly unmilitary nature. For even *bathtub resorts*, which had no connection with any military works or were not fortified in any way, were bombarded, and people completely ignored the additional provision that stated with respect to *military works*:

The commander of a naval force may destroy them with artillery, after a summons followed by a reasonable time of waiting, *if all other means are impossible*, and when the local authorities have not themselves destroyed them within the time fixed.

This addendum makes the *sense* of the provision about exceptions completely clear. Only military works and so on, and even these, may only be bombarded if *preceded by a demand to destroy them*. Only in the case where this demand has received no response does the commander, under a further addendum to Article 2, incur “no responsibility for any unavoidable

damage which may be caused by a bombardment”, and a further addendum to Article 2 says that if *urgent* military reasons which require immediate action do not allow a time limit to be granted, it should be understood that the *prohibition* of bombardment of an undefended town *continues to apply*, just as in the case of paragraph 1, and that the commander must comply with all ordinances so that as few disadvantages as possible result from this for the town. Further articles concern the protection of buildings dedicated to worship, art, science, benefaction, and the care of the sick and wounded. In overall agreement with the prescriptions for land warfare, the intention emerges quite openly of constraining the right of naval bombardment so far that only military ports and works and installations designed for war in undefended places should be exposed to it, and in the second case of making this dependent on a prior demand to destroy such works oneself. All of this was flouted when localities that were being bombarded were *summarily declared fortified places or even fortresses*.

The line of thought implied by the provisions for bombardment by naval forces would self-evidently also be directive if one had attempted to regulate the dropping of projectiles and explosives from *airships* under the law of peoples at the Hague. However, the conference between the great powers in the Hague preferred to *ban the latter entirely*. On 18 October 1907, it put into effect a relevant resolution that had already been drawn up at the first Conference in 1899 and issued the following declaration with a sizeable majority:

The Contracting Powers agree to *prohibit*, for a period extending to the close of the Third Peace Conference, the discharge of projectiles and explosives from balloons or by other new methods of a similar nature.¹³

Germany and some smaller states did not sign this declaration at the time, so that it was not granted a general sanction under the law of peoples. Formally, therefore, Germany is acting within its rights if it practises aerial bombardment in wartime. Only, the moment it does so, it gives enemy states the right to do the same. But this is *not* yet to say that there are no restrictions whatsoever on dropping projectiles and explosives from aircraft. A whole raft of provisions for sieging and bombardment under the law of peoples also apply to it. Even Liszt writes in paragraph 40 of his textbook, where he addresses the law of land warfare, under III.5: “Only fortresses as well as fortified or defended towns, villages, and buildings are subject to sieging and bombardment” and adds: “Through the words

added in 1907 (with whatsoever means it may be) *bombardment from air-ship* is also *submitted to the same restrictions*".¹⁴ No other conclusion is possible, if one does not want to violate logic, not to mention the laws of humanity. At least in their spirit, the provisions for the law of land and naval warfare are also to be applied to air warfare, if one does not want to accept the complete prohibition of 1907. At least this was the position in the law of peoples with regard to air warfare until the outbreak of the current war. By contrast, how often and with what consequences and effects it failed during the war is well known and shall therefore not be discussed further at this point.

NOTES

1. [Ed. B.—The above was written before the negotiations at Brest-Litovsk took place, which uniquely illustrated this, as the representatives of the Central Powers there in fact dealt with representatives of revolutionary governments as with belligerents. That thereby they made no distinction whether these governments also held the territory in whose name they negotiated under occupation contradicts the fundamental principle developed in the text.]
2. *Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land* (The Hague, 1907).
3. *Convention (IV) 1907*.
4. Franz von Liszt, *Das Völkerrecht: systematisch dargestellt* (Berlin: Verlag O. Haering, 1902 [1888]), p. 322.
5. *Final Protocol of the London Naval Conference* (London, 1909).
6. Liszt 1902, pp. 334–8.
7. The 1856 Paris Declaration Respecting Maritime Law was primarily intended to abolish privateering, and also regulate the distinction between neutral and belligerent ships at sea by introducing new laws of prize.
8. Johann Wolfgang von Goethe, *Faust, Part Two*, David Luke (tr.) (Oxford: Oxford University Press, 2008), 1.3.
9. *Convention (VIII) respecting the Laying of Automatic Submarine Contact Mines* (The Hague, 1907).
10. *Convention (IX) concerning Bombardment by Naval Forces in Time of War* (The Hague, 1907); *Convention (X) for the Adaptation to Maritime War of the Principles of the Geneva Convention* (The Hague, 1907).
11. *HMHS Rewa* was a steamship originally built for the British-India Steam Navigation Company in 1906, but requisitioned as a hospital ship in WWI, then sunk by a U-boat torpedo in January 1918.

12. *Convention (IX) 1907.*
13. *Convention (XIV) Prohibiting the Discharge of Projectiles and Explosives from Balloons* (The Hague, 1907).
14. Liszt 1902, pp. 306–7.



The Convulsion of the Law of Peoples by the Doctrine of Peoples' War

As we have seen, the current war has led to all manner of breaches of the rules under the hitherto accepted law of peoples. They have mostly been justified by referring to changes in production technology, in weaponry, and in the nature of human intercourse, which brought previous provisions into conflict with the purpose that had been decisive for them, and nobody will dispute that the law of peoples has to take account of such changes. But it is thoroughly questionable here whether it should be left up to individual belligerent states to be judges in their own matter, and to decide for themselves which prescriptions of the law of peoples they still want to accept unchanged, and which they consider themselves justified in amending. Providing a remedy against this would be one of the first tasks of a new conference on reforming the law of peoples, insofar as one does not abandon the idea of regulating war under the law of peoples entirely. It is by no means impossible to create institutions that could put a stop to arbitrary distension of the law. A neutral court of experts, for example, which could settle disputes over the interpretation and scope of provisions of the law of peoples through expert opinions—possibly by majority and minority opinions—or at least substantially delimit them, is eminently conceivable. The need for a supra-state authority for these and similar disputes has at least been admitted officially, even by leading statesmen. Our times undoubtedly demand the further expansion and safeguarding

of the law of peoples. At present, the law of peoples has got into a condition that one could perhaps best describe with the word *disintegration*. It is still there, and belligerents appeal to it if they have the option of accusing their enemies of infringing its provisions. And we have seen how often this has actually happened. But of course, nobody wants to be the guilty party. Thus, the former ambassador of the United States in Berlin, Mr. Gerard, recounts in his book *My Four Years in Berlin*, that the German Kaiser had lamented to him during a visit in 1915 that there was “no more international law”.¹ But which government was the first to infringe the law of peoples in this war and thereby unravel it, Wilhelm II did not add.

A well-known statement by the philosopher Hegel reads along the lines that everything that has become corrupted in the world has become corrupted “for good reasons”. With that, Hegel wants to satirise the fact that human pettifoggery knows how to find reasons, which it presents as compelling, for every action to which people saw themselves induced out of passion, convenience, and high or low motivations. The same is true here as well. There is no infringement of the law of peoples that would not have found its defenders or even its glorifiers. We have already encountered one of the slogans with which one may defend the worst abominations: *the famous* phrase which the English Admiral Fisher is supposed to have remarked, but is also reported from General Hindenburg in a different form, that “the cruellest war is the most humane”.² But since the wisdom of this phrase is not clear to everyone, one German scholar has postulated a theory that offered a seemingly scientific backing for what that phrase was supposed to achieve, namely, to *kill off people’s consciences*. That happened in a piece of writing that bears the title *Dead and Living International Law* and which has as its author Professor Dr. Paul Eltzbacher of the Berlin Commercial College [*Berliner Handelshochschule*].³ The Germans like to pride themselves on being the most thorough people in the world, and from one perspective, Eltzbacher vindicates this term. He seeks to *subvert* the contemporary law of peoples as it relates to war from the ground up, to wholly *convulse* it in its theoretical foundation, and in so doing he refers to the law of development familiar to every educated and semi-educated person today.

His reasoning is very simple. As material conditions change, so too does the law, initially only as a need for law [*Rechtsbedürfnis*] that looks for a way out by transgressing the old law, until the widespread nature of this transgression shows the public consciousness that the old law is no longer appropriate to the requirements of the time. “Where a legal provi-

sion was not able to assert itself in the face of legal infringement”, he says *verbatim*, “there the suspicion suggests itself that it was no longer appropriate to requirements. The time was ripe for new law, and legal infringements have helped it to a breakthrough.”⁴ And that’s that. Can one speak in a more revolutionary way than this German professor in the imperial seat of Berlin? The claim of the revolution to bring to recognition new law, which hitherto “could only air itself through legal infractions”, cannot be summarised more succinctly than in these two sentences. Only quibblers could counter this by saying that, all the same, there have been at various times *intellectual epidemics* which have yielded clusters of atrocities, bands of flagellants, witch trials, and so on, and that therefore such a pattern of thought needs something more than a reference to the frequency with which open towns were bombed by aircraft, the sinking of trade and passenger ships without warning, or the mass shooting of peaceful citizens as hostages, if by its aid it is meant to be proved that the law of peoples, which prohibits things like these, has become obsolete and that the new times need a law of peoples that permits all of this and *still many more cruelties against civil populations*. But our professor has his proof for that. It consists in the fact that wars today were no longer wars between *states*, as the old law of peoples established by Grotius assumed, but in our democratic times with their mighty armies, dependent on general compulsory military service, had become *wars between peoples* or *peoples’ wars* [*Völkerkriege*]. What then is more obvious than to conclude that wars are now no longer to be waged as battles of armies and fleets against armies and fleets, but as ones of armies, fleets, and *people* against armies, fleets, and *people*? Through war having become “peoples’ war”, it has “shown by force of habit how necessary a law of peoples is that raises to the highest law the purpose”—so *verbatim* in Eltzbacher—“of breaking the *power of the enemy people* [*Volkskraft*] as the last foundation of its military resistance”.⁵

Do we understand what that means? According to this, the purpose of war is to suppress the *people* one is at war with through *terror*, if not to its full *material collapse*, then at least to the point of its *moral collapse*, so that it complies with all the conditions which the power exercising this terror with its greatest strength and ruthlessness pleases to impose on it. This new, this “living” law of peoples—we again cite *verbatim*—should make “the struggle against the enemy *people* a *general good* [*Gemeingut*], a technical means that *ministers and field commanders of average aptitude and willpower shall wield with certainty* from now on”.⁶

In other words, what the profane world hitherto deemed to be one the worst evils in this war, its translation into *peoples' souls*, and that it caused hatred of *people against people* to a previously unknown degree, that is for this scholar a great *advance*. For as soon as one recognises from this what the *true* character of war has become—which cannot now be much longer in coming—one will, from then on, naturally cease to be deterred by sentimentalities and antiquated opinions of the law of the person and the sanctity of life from renewing in war, now and in future, the *pillaging* and *burning* of the Thirty Years' War on the *enhanced scale* enabled by modern technology. These are glorious times which this representative of German culture holds in prospect for us! He does not even offer us the consolation that the new war with its atrocities will cure mankind of repeating it, at least for a few decades. No, he declares it his conviction that, as he writes, “further great wars will hardly be a long time in coming”. It seems to him that “an age of world wars” is dawning and that every large state must “count on being drawn into them”.

That is why people's spirits must prepare for the most terrible war conduct that human research and speculation can only imagine. Slaughter on the highest level, arson on the widest scale, extensive poisoning of wells and the air against enemy armies and the peoples one is at war with—that is the logic of this new law of peoples, so far as practice and what has been prepared in silence have not already given it its inspiration. After all, Eltzbacher is not creating his theory from an abstract idea. What he has *seen*, what has played out before his eyes, that is the material of his “new” law of peoples.

We know from Friedrich II of Prussia the saying that, if princes want to wage war, they do not ask for a lengthy legal justification but leave it to scholars to supply it afterwards. And in fact, there has hardly been a lack of scholars anywhere who prostituted themselves for the task of justifying the wars incited by ruling powers with all manner of reasons they have cobbled together. The same is true regarding the *methods* of war. There is an entire literature that would fill libraries of writings that whitewash or glorify infractions of the law of peoples or human rights in this war. Eltzbacher says nothing that, in its fundamental principles, many others of his craft and an entire army of literati and agitators have not preached to their people. He only draws the final conclusion from all of these statements. He eschews the embellishments favoured here and there and can to that extent, like Franz Moor, say of himself, “I have not wasted my time on trifles”.⁷

“The old law of peoples”, he writes near the end, “only offers us a foundation for complaints and accusations, whose ineffectiveness we should gradually have recognised; the new law of peoples gives us the freedom to act forcefully in our own right.”⁸

To this sentence, which he has even emphasised through *Sperrdruck*, he adds the observation that already in 1857, the English statesman Lord Derby is alleged to have uttered the famous saying: “We insist on compliance with the law of peoples if it is useful for us; otherwise we blithely ignore it” and adds “England favours this point of view even today, its statesmen keep up appearances, but naval types like Lord Fisher and Lord Beresford have often enough given the clearest expression to their contempt for the law of peoples”. The reader must naturally conclude from this that Lord Derby has, in the cited phrase, ostensibly proclaimed a guiding principle of English policy. In fact, this conservative English politician, who in 1857 was leader of the opposition, used that generic phrase to *criticise* a particular measure of English war conduct and to hold it up as an infringement of the law of peoples.⁹ He is castigating an exception, but he is a long way from articulating a rule for what *should* be. He is worlds apart from the self-righteousness of our German professor, who acts as if in this war Germany had been predominantly the injured party in the infringement of the law of peoples, and has the audacity to attach to the remark about the English the comment:

We Germans do not have so wide a conscience. We need a secure foundation for our war conduct under the law of peoples, but we have this if, instead of still believing in a dead law of peoples and in agreements that have been ripped up, we only feel the workings of the eternal forces that change the law, and which have let us experience both the greatest war in history and at the same time the greatest, most dreadful, and yet still the most magnificent development of the law of peoples.¹⁰

Magnificent indeed! Everything we have seen before in this vein is here surpassed.

An entire army of literary marauders has *gnawed away* at the law of peoples, like rodents at the woodwork of a house. But in his theory, Eltzbacher has *strangled* what one hitherto understood as the law of peoples.

But has he created a new law of peoples? A “living” law of peoples, which he held out the prospect for? Oh no, where he wishes to be *constructive*, he

remains a bungler, stuck in half-measures. His theory of peoples' war should, namely, only apply insofar as peoples come into consideration as *tools* and *objects* of war. Our learned gentleman does not see people as *willing subjects* of war; here he clings to the old ways and lets *government* be the master over war and peace. But if he truly wished to be radical, he would have had to demand as the first condition of the *new* law of peoples that peoples' war must also be one that is *decided upon by peoples themselves*, that *without a prior popular decision, no war* may be initiated. If he had the courage of consistency in this, he could by all means have declared the greatest atrocities, the most dreadful destructions and annihilations as the law of war. The *true* law of peoples, which gives *peoples* the *right over war and peace*, will only more surely lead to the war of peoples against peoples—which since time immemorial has never been wished for by the peoples themselves—being made to disappear forever from the world.

NOTES

1. James W. Gerard, *My Four Years in Germany* (New York, NY: George H. Doran, 1917).
2. John Arbuthnot “Jacky” Fisher (1841–1920), British admiral and naval reformer. Paul von Hindenburg (1847–1934), German field-marshal and statesman, President of Germany from 1925 until his death.
3. Paul Eltzbacher (1868–1928), German jurist and ideology theorist, shifted from an early interest in anarchism to become one of the founders of “National Bolshevism”. The *Handelshochschule Berlin* was an academic educational institution, founded in 1906 and folded into the University of Berlin in 1946.
4. Paul Eltzbacher, *Totes und lebendes Völkerrecht* (Berlin: Duncker & Humblot, 2013 [1915]), p. 9.
5. *Ibid.*, p. 58.
6. *Ibid.*, p. 74.
7. Franz Moor is a jealous, calculating, love-deprived character in Friedrich Schiller, *Die Räuber* (1781), translated as *The Robbers*, Wilhelm Render (tr.) (Whithorn: Anodos Books, 2017).
8. Eltzbacher 2013, p. 75.
9. Frederick Arthur Stanley, Earl of Derby (1841–1908), British Conservative politician and colonial administrator.
10. Eltzbacher 2013, p. 36.



German Jurisprudence and Ethics

After having seen in the preceding chapters what the *concept* of the law of people is, how this has *developed*, and how it has been applied in times of war and peace until recently, we want to occupy ourselves from now on with the questions of its *theoretical justification* and *further practical expansion*.

The law of peoples, which arose from custom and need, has been discussed from an *ethical* perspective in more or less detail over time, and people have tried to found it on an *ethically* derived *legal doctrine* [*Rechtslehre*]. The literature of the Church fathers and later a series of treatises by secular authors provide interesting material for this. As an accord between Christian states to bring an end to certain horrors of war, in the middle of the seventeenth century, the law of peoples gains the quality of an all-encompassing international *contract*, and for two centuries, the general tendency of constitutional legal scholars and philosophers that concern themselves with it is oriented overwhelmingly towards consolidating its ethical character and applying it for reform proposals of a humanitarian nature. The practice of states follows this tendency, albeit slowly and not without setbacks. In the second half of the nineteenth century, however, a turnaround takes place, just as in constitutional jurisprudence in general, so too in the literature of the law of peoples in particular. A way of thought that we can summarise under the collective term *legal positivism* wins control over people's minds, and legal philosophy that proceeds from an ethical way of looking at things becomes discredited and

is pushed into the background. This encroachment of the positivist approach, which takes what *is* as its starting point, and adheres to the real facts and needs of states, is ostensibly an improvement compared to the other philosophy, and from certain perspectives, as, for instance, for the purposes of *insight*, it is or was this too. But things have gone similarly for the positivist approach as for the materialist theory of history, to which, besides, it is related and with which it shares the same ancestors. Though fruitful as a *guiding principle of research* and an essential corrective of the speculative approach, as a doctrine it runs the risk of becoming the servant of the cult of the ruling powers [*Kultus der herrschenden Gewalten*], and a means of glossing over existing wrongs.

The materialist theory of history is linked in its philosophical foundation to an important element in Hegel's philosophy, the *dialectic of contradiction*, which, considered logically, is the theory of progressive development asserting itself through struggle, and thus bears a revolutionary character. But with Hegel himself, the conception of history ends in the glorification of the *bureaucratic Prussian police state* [*Polizeistaat*] of the Age of Metternich, and so tapers off into a *conservative* doctrine, and it is this doctrine to which positivist constitutional jurisprudence in Germany loves to appeal. However, it is hardly right to make Hegel's philosophy responsible for the outgrowths of this doctrine. Its more recent advocates may lean on Hegel, but they do not receive their inspiration from him but rather from *the state, such as it is*, so in Germany from the German *military state* [*Militärstaat*]. Just as this wants to be something much greater than the totality of its citizens, with its own superordinated purpose, which in this way obtains a metaphysical aspect, so too positivist jurisprudence and the theory of the law of peoples derived from it makes a nearly theological cult out of the state, which opposes the further extension of the law of peoples in a democratic direction, and gives the whole doctrine of the law of peoples, so far as it allows itself to be dominated by this, a *scholastic* character. The hallmark of scholastic thinking consists in allocating science only the task of providing reasoning for dogmas that are set fast from the outset.

We saw in the first lecture how anxiously even an international law scholar like Liszt, who identifies as a democratic liberal, binds the law of peoples, by defining it as a *law of states*, into the spell of a doctrine according to which it is a right that should be subordinated to the interest of *states*. Other German international law scholars go even further in this regard. They narrow the idea of law in the law of peoples so much through

unrestricted consideration for the priority of the state that it becomes only the expression of the latter's absolute power, and every reference to right in the ethical sense of this word is lost.

I NELSON'S POLEMIC "JURISPRUDENCE WITHOUT RIGHTS"

A young docent in philosophy who has already proven himself an acerbic critic of the reactionary tendencies in modern German scholarship in several publications, Leonard Nelson, a reader at the University of Göttingen, has given a harsh reckoning of various representatives of the positivist school in constitutional and international law in a recently published book, and has demonstrated with brilliant dialectic to what a condition of intellectual and moral anarchy the opinions championed by these researchers lead. The book, which appeared with Veit & Co. in Leipzig in 1917, has the initially paradoxical-seeming title *Jurisprudence Without Rights*. But the idea, in truth, is *no paradox*. Our German language regrettably has one and the same word for two strongly differentiated concepts: *Recht*. We describe as *Recht* the *absolute power* awarded to do or refrain from doing something, as well as the conferred title for some kind of *possession*. But we need the same word for a *moral or ethical verdict*, which affects people's relations towards one another or their relationship towards things *in general*. However, there is self-evidently a great difference between whether someone may do or refrain from doing something, because he has the power or authorisation to do so with impunity, or whether it is a matter of a *customary justification*, which is simply *derived* from the *fundamental conditions for the coexistence of freely willing people*. But for the latter, we find in German an exact denotive expression only if we give the word *Recht* an explanatory epithet and say something like "ethical right" [*ethisches Recht*] or, as now happens often, *proper right* [*richtiges Recht*].

Nelson relates in the foreword to his book, which is subtitled "Critical observations about the foundations of constitutional and international law", that a friend of his who was a Roman lawyer, and who was regarded equally highly as a researcher and as a statesman, had once claimed in a conversation with him about the merits of the German and the Italian language that of all the languages known to him, none was as well-suited as the German one to expressing abstruse or banal assertions in such a way that they take on the appearance of particular profundity. To realise the inanity of an assertion that sounded profound in German, one need only

try to translate it into Italian. And as an example, the Italian quoted the explanation with which a famous German professor, whose pupil he had been as a student, had begun his lectures, which went “Jurisprudence is the science of law [*Rechtswissenschaft ist die Wissenschaft vom Recht*]”,¹ a phrase, which if translated into Italian would, however, give the ludicrous tautology: “*La scienza del diritte e la scienza del diritto.*” In French, incidentally, the same tautology would result, namely, the phrase: “*La Science du Droit est la science du Droit*”, and likewise in various other languages. However, the Italian chose his example poorly. The German explanation cited by him only appears as a tautology because the word *Recht* has, for us, this ambiguous meaning.

Nelson’s work is a polemic in the true sense of the word, and it seems appropriate to me to engage with it more thoroughly. The author prefaces it by way of an epigraph with a quote by the late liberal international legal scholar Ludwig von Bar, which is in fact greatly justified. It reads, confirming what was said here at the start:

At the close of the nineteenth and the start of the twentieth century, we stand in one of these times in which the idea of right is fading away. It is time to recognise it in its meaning again.²

If von Bar had lived through the last few years, he would probably have expressed himself even more harshly. After all, we have encountered an example of how a German researcher has managed to dissolve the idea of right in the law of peoples so completely that there can barely be talk of fading away anymore, and *blanching* describes the matter correctly.

2 THE SOVEREIGNTY OF STATES AGAINST THE LAW OF PEOPLES

Over the course of ten chapters, Nelson fires a broadside at the scholars of constitutional and international law. He begins with an *excursus* on the justification of constitutional law via the doctrine of the *will of the state* by the late Heidelberg constitutional legal scholar Georg Jellinek, who was regarded as an authority on this.³ As ingenious and substantial as this *excursus* is, I must, however, refrain from going into it more closely here, because it does not pertain directly to our object and would lead too far into finer conceptual critique. By contrast, Nelson’s second chapter, entitled “The justification of the law of peoples through the doctrine of

sovereignty in Georg Jellinek”, already leads directly onto our object. Here, it is shown where the doctrine of the inviolable sovereignty of states, which I briefly characterised in the first lecture, leads to if one seeks to make out of it an unconditionally applicable fundamental principle of the law of peoples.

Nelson quotes from Jellinek’s relevant writings, among others, the following statements: “In the struggle with the highest *interests* of sovereign states, the *observance of contracts takes second place*. Here, the rule applies that the state ‘stands higher than any individual legal provision’.” “International law is here because of states, but states are not here because of international law.”⁴ Nelson observes fittingly about this that this contradiction in the assessment of constitutional and international legal relations would hardly deceive anyone about the fact that this is only a “badly disguised attempt” to “debase the study of international law into the *hand-maiden of a politics that does not respect the law*”, and he is no less right when he adds: “For this attempt, the ambiguity of language again provides a welcome tool”. To see through the trap that the quoted phrases of Jellinek’s set for the idea of right in the ethical conception of the word, one need only envision how ascertaining what the respective highest interest of the sovereign state is happens in *practice* and *in whose hands* it lies. We know how much the verdict on this is conditioned by the class opinions or special interests of ruling persons or social *strata*. After all, the state today is still in many cases the organ of *domination by certain social classes* over other social classes, and what the former declare as the highest purpose of the state in conflict with other states or peoples is often enough only the expression of a purpose that serves *their interest* or *prejudice*, which need have nothing in common with the purpose of the community of all citizens, but rather can even *stand in contradiction to it*. Jellinek is misled by his theory into making the following further statement:

If the *highest obligation* of the state, its *self-preservation*, demands this peremptorily, the *lower obligation of the observance of contracts* must yield to it.⁵

In reality, with this supposed contrast between the obligation of self-preservation and the obligation to observe contracts, in 99 out of a hundred cases, it is a matter of a *mere phrase*. For, it should be noted, one is not talking about fidelity to diplomatic treaties, but to *maintaining the contract of the law of peoples*. One should recall what role this appeal to the obligation of self-preservation played in Germany’s infringement of

Belgium's neutrality at the beginning of the current war. Not only has the accuracy of the preconditions that apparently necessitated the infringement of Belgian neutrality been contested by Germans who stand quite above any suspicion of subversive tendencies, but it has also been shown that this breach of neutrality directly *contradicted* the *interest of the German nation, properly understood*. However, the doctrine of the "highest interest of the state" by this international legal scholar would have lent support to the ruling powers in Germany, if they had found it worth the effort of calling on academic authorities to support the decision they had reached.

"Here", Nelson writes, in the criticism of the quoted statement, "the dangerous consequences of the ... mysticism that speaks of a *will of society* and accordingly also of a *state interest*, show themselves, as if the state were really a living thing, like the individual". To even take actions of juristic import based on this linguistic usage is, where the *fates of peoples* depend on such actions, "not only an *unscientific* game, but also one that is *irresponsible* and *malicious*". And further, Nelson courageously continues: "*But there is no such thing* as an interest of the state that is *independent* of the individual interests of its members. Hence, even if we also had to regard the preservation of the state as lying in the highest interest of its members, no justification could be extrapolated from this for infringing the norms of international law where they collide with this interest."⁶

But this precondition "does not even apply"! "The end of a state's autonomous existence as such means nothing more for its members than a *change of administration*." Apart from those who by dint of their dominant position in the state are interested in its continued existence, it is, I quote *verbatim*, "*possible, but not necessary*, that infringements of the interests of individuals or even of their *highest* interests are associated with such a change in administration". "Would that people would finally stop", it says with refreshing bluntness at the end of this section, "letting themselves be deceived by the secret paths and shady tricks with which a sophistry that only embellishes political selfishness disgraces the name of international legal scholarship."⁷

Regarding the inference of the positivistic constitutional scholars that the concept of state sovereignty can tolerate no restrictions and that with its subordination to the law of an association of states [*Staatenverband*] this sovereignty is infringed or overridden, Nelson already shows in his section on Jellinek that its application to the law of peoples is a matter of a logical shift, by which *anarchy under the law of peoples* is raised to the level of a principle. For from a correct (*viz.*, analytic) *political* verdict, a

rhetorically similar-sounding but *false legal* verdict is also derived. Nelson proves the same thing from the definition which that doctrine of the law of people gives for the *state*, which today confuses so many people's minds. The mischief being made today with the concepts of the state, state interest, and state necessities cannot indeed be protested against harshly enough and needs a very thorough Enlightenment.

With respect to Liszt, whose explications of the fundamental rights under the law of peoples he addresses, Nelson shows in particular in what kinds of contradictions this major party scholar enmeshes himself through the way in which he seeks to place the positivist theory of the law of peoples in consonance with the general idea of right [*allgemeinen Rechtsidee*]. If Liszt concludes from the equality of states established under the law of peoples and their equal right to vote—in conjunction with the prescription that all resolutions that are supposed to apply under the law of peoples must be drawn up unanimously, as well as the principle of non-intervention—that the community of the law of peoples rests on the *principle of cooperation*, then all of that is only a euphemism for the subjection to the dogma of *sovereignty*, whereby there should be no law that stands above the will of states. The whole system of these fundamental rights under the law of peoples emerges “as an empty scholasticism that can only be covered up by rhetorical arts”.⁸

Indeed, it makes an almost comical impression to see how Liszt toils to reconcile the fact that membership of the union of states that constitutes the community of the law of peoples in reality is *not* left to the free discretion of individual states, since they are prevented by the whole modern world of intercourse from contemplating leaving it even hypothetically, with the doctrine of mere cooperation between states that are *absolutely independent* of one another, a mere *purposive association* of states.

The fact that, at the international conferences or congresses for regulating disputes about the law of peoples, states count as equal and have an equal right to vote without regard for their size and population, appears at first glance to be democratic and has also appealed seductively to many people. However, this is not originally the pretext but has *in fact* become a means of *slowing* the further development of the law of peoples in a democratic sense, if not of *inhibiting* it. The rule that, for agreements about questions of the law of peoples, unanimity is required to give them general validity, and that thus the refusal of a single state is sufficient to render ineffective a resolution otherwise carried by common consent, allows the great power states to thwart every resolution that is

inconvenient for their *Machtpolitik*, while small states, which after all have a natural interest in the strengthening of ethics in the law of peoples, will hardly decide on or stoop to such a proceeding voluntarily. In his polemic against the Swiss legal scholar Professor Max Huber, who generally takes a progressive perspective on questions of the law of peoples, but who attaches an outsized significance to their substantially formal, organisational aspect compared to their main task, namely, the development of a true *consciousness of right and wrong* for the law of peoples, Nelson makes the fitting observation:

It is only a sufficiently developed *consciousness of right and wrong* that finds appropriate public expression that “can guarantee the *rule of law* in peoples’ lives beyond mere stability”. ... Jurists who, by ignoring the *real* right of peoples, and for the sake of satisfying their interests equally, foist onto these a *merely formal right of equal representation*, and thus much rather work against the emergence of a *real legal organisation*, abuse the authority of their discipline in order to sanction the condition of lawlessness with a pretended legal principle, and thereby to serve precisely *those* powers who find their advantage in the maintenance of this unlawful condition.⁹

Naturally, one cannot be under any illusion that the mere consciousness of right and wrong alone does not yet ensure factual efficacy for the law but instead needs a power standing behind it in order to be realised through *legal provisions* and *measures* for their execution. But the formation and strengthening of such a consciousness of right and wrong is always the precondition for satisfying the progressive forces among the nations with the will to exert the pressure needed for this realisation on their governors. Nelson himself writes in his critique of another jurist the heartening words:

Whoever, naïvely trusting in providence, leaves right *unprotected* in its struggle with wrong, him providence will punish once the actually-existing foundation walls of the structure he has dreamed up *collapse* under the brunt of wrong, which has achieved supremacy under the protection of his passivity, and bury him with all his hopes under the rubble.¹⁰

For the jurist against whom these words are directed, L. Oppenheim, also obstructs his own path towards demands that require the reforms he has recognised as necessary through his slavish adherence to the dogma of the sovereignty and equality of states.¹¹

“Every organization of the community of states”, he says, “must take as its starting-point the full sovereignty and the absolute equality of states, and must *preserve* these characters *intact*. There can, therefore, *be no talk* of a political central authority [*Zentralgewalt*] standing above individual states.”¹²

And further:

All proposals for an international executive authority run counter not only to the idea of sovereignty, but also to the ideal of international peace and of international law. The aim of this development is not the coercion of recalcitrant states, but a condition of things in which there are no recalcitrant states because every state has freely submitted to the obligation to refer disputes to the international tribunals and to abide by their decision.¹³

That would certainly be an ideal state of affairs, the realisation of which we must work towards. But it will hardly be achieved by expecting it to be realised by the insight and goodwill of today’s ruling powers. Oppenheim evinces in his work, which appeared in 1911, an optimism which reality has brutally struck down. He writes there, among other things, that states, through their general constitutional construction, are “so to speak, made more moral than they were in the time of absolutism”. Machiavellian principles were “no longer prevalent everywhere”. States interact with one another “in reliance on the sacredness of treaties”.¹⁴ But we have had to witness the leading statesman of precisely the country in which that was written—who, on top of everything, likes to play the part of an ethicist—curtly declare, in front of one of his fellow guarantors, that a treaty which, under international legal doctrine hitherto, had to be particularly sacred to him was no more than a “scrap of paper”, as soon as it stood in the way of executing a silently laid plan for a military campaign.

3 THE NIHILISTIC TENDENCY OF POWER THEORY

A further trap for theoretical positions on the law is the so-called legal-philosophical *theory of relativity*, that is, the theory that, like custom, law is only relative as well, and changes with peoples’ actual living conditions and relations. The correct idea underlying this theory, which nobody can be less inclined to challenge than an adherent of the materialist theory of history, becomes by exaggeration a forerunner for complete *juristic nihilism*, which is why the apostles of the politics of force [*Gewaltpolitik*] also

like to conceal themselves behind it. Among others, the very renowned professor at the University of Berlin, Josef Kohler, has shown himself to be such an apostle during this war.¹⁵ Nelson cites a proposition of his, which seeks to prove the relativity of law using the divergent assessments of *usury* [*Zinsnehmens*] at various stages of societal development. It is obvious that the assessment of the levying of interest had to change as economic development, or rather, the changes in the mode of production and relations of production, brought lending for business purposes, in order to obtain surplus value in any way whatsoever—as opposed to lending out of pure need—ever more strongly into the foreground. But with that, only the precondition changed for *applying* the deeper ethical legal principle that underpinned the original judgment of usury and not the practice itself. But one sees how easy it is, with the theory of the relativity of law, to reach a point where one not only treats law as fluid in its positive *applications* but also lets it downright *dissolve* in its *fundamental principles*. However, the reference to relativity is still not enough for the admirers and defenders of state politics today, since it could, after all, also be made to apply against the state. Such a theory is most secure if it establishes beside this an absolute that is supposed to act as a criterion to justify various individual legal demands and a legal theory founded on general ethical principles. But then the *state* is portrayed as this absolute. Its display of power [*Machtentfaltung*] becomes the touchstone of all law and the sufficient justification of all its claims.

This is elaborated, at least with notable logic, in a treatise by Professor Erich Kaufmann, which is entitled, *The Nature of International Law and the clausula rebus sic stantibus*.¹⁶ It starts from the premise that *the highest display of a state's power* is attained by rousing and collecting *all* the forces present in it. That can be assumed to be correct, but in any case it does not only have to prove itself through the state's occasional expressions of force but attains conclusive force in each individual case only through the greatness and duration of the state's achievements for the various tasks it is posed, which enable its highest display of power relative to its means and its extent. But for Kaufmann, the state's display of power becomes the absolute purpose and highest goal of world history, and the greatest possible external display of a state's power the highest and decisive criterion of proper right within the state as well. The *state* is externally, he teaches, as well as internally *the highest embodiment of right*. There is *no fundamental right* that accrues to the individual independent of state authorisation. The *only fundamental right* is the *state's right to self-assertion*. The *state's*

right therefore reaches as far as its *power* to assert *its will*. With a conflict between the wills of different states, therefore, if threats are not enough, *force* must decide *on whose side right lies*. War is thus not *an end to the condition of law* but rather the *only and final proof of right conceivable* under the law of peoples.

It is not hard to imagine what becomes of the law of peoples at all in such a theory. Nelson, from whose work I have extracted the phrases quoted just now, follows them, after further summaries of Kaufmann's treatise, with the remark that, since states' power is the *only* criterion of right, *it alone* can also decide over the extension or *limitation of the validity of contracts*. "Whether treaties are *coerced* or *freely* signed, they *lose their bindingness* as soon as the state who is interested in rescinding them has the power to free itself from them." Hereupon rests the legitimacy of the *clausula rebus sic stantibus*—in German: *die Klausel solange der gegebene Stand der Dinge andauert*—contained in every treaty under the law of peoples. For "the only basis for the validity of a treaty is states' interest in its maintenance".

Nelson describes this theory with the ironic remark that it "fulfils with the greatest conceivable perfection" its task of bringing international legal doctrine into fundamental accordance with political practice. He continues:

The right of the stronger has certainly never yet been brought into a juristic system *more systematically* and *ingeniously*, and at the same time *more ruthlessly* and *brutally* than here. If this doctrine should assert itself, legal theory would indeed achieve all the more consummate harmony with the practice of states, the more the *state's lust for power* supplants *all moral considerations* in it, and the more the *violence* and *guile* of the strong triumphs over the weak. No *perfidy* would be possible, however egregiously one might conceive of it, which, if only it served the state's display of power, would not let itself be derived as *legally* permitted, even *required*, according to this theory, from the highest principle of right.¹⁷

I will pass over the harsh critique Nelson makes of the conceptual-theoretical justification for Kaufmann's theory of power. More important for us is his attempt at an *ethical* justification. For this, the following statement by Kaufmann, cited by Nelson, is fundamental:

The display of power is only possible through the stimulation and unfolding of all physical and moral energies. Starting from the *notion of power*, the state becomes a *welfare state* [*Wohlfahrtsstaat*] and an *ethical institution*

[*sittlichen Institut*]. Because its organisation and its ordering wants to be an organisation and an ordering of power [*Machtorganisation und Machtordnung*], it necessarily becomes an objective ethical ordering, i.e., an ordering in which *every* ethical force, *every* justified stirring finds its place and its sphere. And *only* because it wants to be an organisation of power can it become the highest community, the community *par excellence*: for only because it is the ‘rascal’ who troubles the individual and goads him to self-functioning [*Eigentätigkeit*] often enough, because a unique dialectical, so-to-speak pre-stabilised, harmony exists between the striving for power and ethical power exertion, can it be the unique entity that desires power everywhere and indeed thereby attains the *greatest things*.¹⁸

Pretty much every sentence in this argument contains one or even several *fallacies*. That the display of power is *only* possible through stimulating and unfolding all physical and moral energies is an *empty assertion*, which is refuted by an abundance of historical *facts*. In the past, the *opposite* has mostly been the case. States and empires founded on the idea of power *perished* due to the decay of the *physical* and *moral* energies of their populations, and even in the present, power can be fostered by cultivating the quite specific energies of limited popular *strata*, while other important moral energies suffer damage because of this. Thus, the state does not yet become a welfare state and an ethical institution from the idea of power in any way, and under certain circumstances, its ordering becomes the opposite of one in which *every* ethical force and every justified stirring finds its place and its sphere. When Kaufmann wants to detect a so-to-speak pre-stabilised harmony, that is, one that already lies in the nature of things, between the striving for power and ethical power exertion, this calls to mind the tenets of the defunct *Manchester School*, which have long since proven obsolete. As little as unconstrained free competition in economic life, extolled by the Manchester School, could bring about social heaven on Earth, just as little, or even less, can states’ striving for power, as Kaufmann wants to make his audience believe, achieve the greatest physical or ethical things.

So enamoured is Kaufmann of his ethical reframing of the striving for power, taken from Nietzsche, that he disputes the Papal Church’s ability to be the sovereign community that guides civilisation in the long run, on the basis that it lacked “the objective of power [*Machtzweck*]”, a treatment that violates the historical facts from every perspective.¹⁹ We know how for centuries the Roman Church suffered from having power too

much and not too little as its objective and that the *excess* rather than the lack of this objective of power damaged the lasting preservation of its powerful position.

But Kaufmann's derivation of the Church's degeneration from the sway it once held over the whole of Christendom does not just have the purpose of explaining a historical fact from within the philosophy of history. It is for him, at the same time, an argument against the desirability of, as he writes, "the world-state that many have dreamt of". This world state is, according to our professor, impossible or untenable, because it lacks—listen to this!—the *desire for a display of power*. For with this desire, it lacks

[t]he most substantial momentum, the most necessary life principle, the perspective in accordance with which its ordering can be arranged, the momentum that safeguards its members from torpor, and which demands a stimulation and rousing of ethical energies.²⁰

All leftovers from the arsenal of the opponents of socialism. Starting from the entirely unproven idea that humanity must necessarily consist for all eternity in peoples battling and warring with one another, Kaufmann declares that peace is "not a concept with positive content" but "a mere correlative concept, which has no meaning without its counterpart, war".²¹ Again, an empty play on words, for if the *concept* of peace really cannot be understood without the counterpart of the *concept* "war", this does not in any way imply that the *fact*, the *object* of "peace" cannot exist without the counterpart of war. But for Kaufmann, the world *can* and should not be without war. Not "the community of freely-willing people", which the Kantian Professor Stammler holds up as the social ideal, but *victory in war* is, according to Kaufmann, the social ideal!²² "In war", he writes *verbatim*, "the state reveals itself in its *true nature*, it is its *highest accomplishment*, in which (?) its unique character comes *to its fullest development*".²³

And according to Kaufmann, the law of peoples must be tailored to this theory of power. Since, according to it, there exists *no* will that stands *above states*, Kaufmann deduces that a law of peoples is only possible if we acknowledged for states existing next to one another the justice of the phrase: "Only he who *can, may*". And to this he triumphantly attaches the sentence:

Thus also for the right of coordination, *victory in war* turns out to be the proof of the *idea of right*, as the *last norm*, which decides which of the states is in the right.²⁴

With that, right is merrily reduced to glorifying crass violence, for we obviously know that wars are won often enough by means that are extraordinarily far removed from moral energies. As in economic competition, so too often enough in the struggle between states, *unscrupulousness regarding means* has brought about victory despite otherwise equal physical and moral forces. And according to Kaufmann, the state may also unscrupulously make use of the clause “*rebus sic stantibus*”. The state must, he says, “remain standing above its treaties”.²⁵ The right of contract under the law of peoples should find its limit at *states’ right to self-preservation*. But since the decision about when the right of self-preservation is in question rests with the state itself, it naturally has the option at any time, whenever it seems convenient, to cut itself free from every contract.

Kaufmann says himself that with the proclamation of this theory, any law of peoples would be impossible, even nonsensical, and he therefore seeks to demonstrate afterwards through dialectical wizardry that it does still leave room for a law of peoples, one which would only then be the real law of peoples. We do not need to concern ourselves with these “reservations” or concessions. They change nothing about the fact that, for all conflicts between contractual obligation and the power-cravings of a state that happens to feel strong at that given moment, Kaufmann’s theory of brutal politics *opens all doors* to violence. That is his theory and, as one can read in Nelson, also that of many of his colleagues, who feel the need to adapt the doctrine of the law of peoples to the policy that prevails in practice in the state—that is, not in the constructed notion of the state but in the real *state* in which they live. All these works emerged at the time when escalation in armaments at sea and on land was being pushed ahead very intensely in Germany, and when the *Reich’s foreign policy* readied itself ever more clearly for the *war that would come* one day. They emanate from the intellectual current engendered by this preparation among the bourgeois classes, to which some dedicated themselves consciously and with gusto, and which others took half-reluctantly into account. They inadvertently bear witness to how the atmosphere of militarism withers every ethical idea of right that is not itself again a mere euphemism for a wisdom that we can capture in the phrase: militarism is the highest law, militarism is the highest ethic, and where the *largest cannons* are, there lies the greatest *justice*. Militarism is God, militarism is his Church in all eternity, and the Professor as second lieutenant of the reserve is his prophet.

NOTES

1. The putative force of the example is somewhat lost in proper translation. But, in reality, this only serves to demonstrate Bernstein's later point.
2. Ludwig von Bar, *Das international Privat- und Strafrecht* (Hanover: Hahn, 1862), p. 56ff.
3. Georg Jellinek (1851–1911), Austrian-German public lawyer, philosopher, art historian, and author of the seminal works *Die Lehre von den Staatenverbindungen* (Berlin: Haering, 1882) and *Allgemeine Staatslehre* (Berlin: Haering, 1900).
4. Cited in Leonard Nelson, *Die Rechtswissenschaft ohne Recht: kritische Betrachtungen über die Grundlage des Staats- und Völkerrechts* (Leipzig: Veit & Co., 1917), p. 62.
5. Cited in Nelson 1917, p. 64.
6. Nelson 1917, pp. 65–6.
7. *Ibid.*, p. 65.
8. Franz von Liszt, *Das Völkerrecht: systematisch dargestellt* (Berlin: Verlag O. Haering, 1902 [1888]), p. 95.
9. Nelson 1917, pp. 105–6.
10. *Ibid.*, p. 118.
11. Lassa Francis Lawrence Oppenheim (1858–1919), German jurist, seen as a co-founder of modern international law, author of *Die Zukunft des Völkerrechts* (Leipzig: W. Engelmann, 1911), translated as *The Future of International Law*, (tr.) John Pawley Bate (Oxford: Clarendon Press, 1921), cited in Nelson 1917, p. 108.
12. Oppenheim 1921, p. 16.
13. *Ibid.*, p. 212.
14. *Ibid.*, p. 54.
15. Josef Kohler (1849–1919), German jurist, author, and poet, made significant contributions to both philosophy and history of law.
16. Erich Kaufmann (1880–1972), German jurist and rival of Carl Schmitt, specialising in constitutional and international law, author of *Das Wesen des Völkerrechts und die Clausula rebus sic stantibus: Rechtsphilosophische Studie zum Rechts-, Staats-, und Vertragsbegriff* (Berlin, 1911).
17. Nelson 1917, p. 148.
18. *Ibid.*, pp. 161–2.
19. Kaufmann 1911, p. 136.
20. *Ibid.*
21. *Ibid.*
22. Karl Eduard Julius Theodor Rudolf Stammler (1856–1938), German legal philosopher.
23. Kaufmann 1911, p. 146.
24. *Ibid.*, p. 153.
25. *Ibid.*, p. 181.



Arbitration in the Law of Peoples and the Work of the Hague

1 THE BEGINNINGS OF ARBITRATION

War is the oldest, but even in ancient times not the only method of deciding disputes between peoples and states. With the transition to sedentarism and the development of economic life through joining in trade, traffic, and all manner of heightened cultural requirements, there also had to come about a heightened valuation of the state of peace. War no longer seemed something to be taken lightly at any time but rather an undertaking that was not to be initiated without a weighty reason. And just as the norm took hold among tribal formations and later states that disputes between individuals would be resolved by calling on the advice and judgement of recognised higher authorities—priests, council of elders, chiefs, or judges—so too the idea of drawing on such advice or such judgement for disputes between states themselves had to emerge as well. The historical writers of antiquity know and tell of various occasions where something like that happened. The amphictyonic leagues of the Greeks regularly settled disputes through arbitration, and likewise we know of treaties concluded between individual Greek states with the aim of letting their disputes with one another be decided through arbitral judgement. The history of the Middle Ages, during which Emperor or Pope—one as the highest temporal, the other as the highest spiritual dignitary—were also called on repeatedly by states as arbitrators for disputes, recounts something similar.

The expansion of state sovereignty at the time of the rise of modern capitalism resulted in both Pope and Emperor losing their authority still to be recognised as arbitrators for the greater of these states anymore. Therefore, some of the latter now themselves occasionally concluded treaties that provide for arbitral resolution of any disputes that should arise between them.

However, these cases remained infrequent nonetheless. In particular, the eighteenth century, with its various wars of succession, the colonial wars between France and England, the rising rivalry between Prussia and Austria, and so on, was unfavourable to the development of the idea of arbitration until just before its end. Instead, this idea now found its home in America. At the end of the eighteenth century in North America, the United States, and in the first half of the nineteenth century in South America, some of the liberated Latin republics concluded treaties to avoid mutual wars through mediation or arbitration. Of the European states, England first concluded such a treaty with an American state, precisely with the union of the colonies that had broken away from it. This happened in 1794 in the so-called Jay Treaty, which provided for arbitral resolution, and was renewed and expanded in 1814 in the so-called Peace of Ghent.¹ Quite a number of disputes between England and the United States were settled by arbitration on the basis of these two treaties. Over the course of the nineteenth century, other large European states subsequently also peacefully resolved cases of dispute through mediation and resolution. But these were individual arrangements from case to case, which contained no obligation to settle disputes in this way in future as well. The most famous resolution was the settlement of the so-called Alabama Dispute between England and the United States.² This dispute, which dated back to the equipping of the commercial raiders *Alabama* and *Andreo* by English shipowners for the southern states who were engaged in a civil war against the northern states of the North American Union, would, because the northern states had regarded the English government's toleration of this as a breach of neutrality, almost have led, after the end of the war, to a war between the victorious North and England. In 1869, however, an understanding was reached between the two to resolve the dispute through an arbitral court, to which, apart from the states involved themselves, Italy, Switzerland, and Brazil had to name one judge each. This arbitral court, which convened on 15 December 1871, pronounced its decision on 14 September 1872 and decided with 4 votes to 1 against England. The latter was ordered to pay around 63 million

marks to the United States and submitted to the verdict, although according to the traditional opinion of the ruling classes of the old world, its "honour" was at stake. But at the time, a liberal government with Gladstone as Prime Minister was in office, and it was surely more sensible to pay the imposed penalty sum than to wage a war that would, in any case, have caused much more in costs beyond this sum and much blood besides that. Three years later, England likewise submitted to an arbitral award in a dispute between it and Portugal. In the Anglo-Saxon world, the idea of settling disputes through arbitration had evidently taken root very strongly. According to a statistic which Alfred H. Fried cites in his *Handbook of the Pacifist Movement*, between 1794 and 1900, 216 cases of dispute between states were settled through arbitration, and of these states, Great Britain called on resolution by an arbitral court in 98 cases and the United States in 76.³

We may distinguish between various methods in the peaceful settlement of states' conflicts with one another. The simplest form is that of the *compromise* struck by the disputing parties themselves through negotiation. Another form is that of the *arbitration through third powers*, for which the diplomatic expression is *mediation*. And the third form is the resolution through arbitral award and in some circumstances also through simple *expert assessment*. Arbitral award and expert assessment can refer to the *interpretation of treaties* or to the material side of disputes, which made a very great difference for practice hitherto. States whose political leadership is in the hands of members of the propertied classes have almost without exception defended the standpoint that, where their honour or their vital interests are at stake, they cannot allow any arbitral court to set prescriptions for them. That these classes' concept of honour is not underpinned by honour in the ethical sense of this word, according to which truthfulness, justice, and keeping good faith and trust [*Treu und Glauben*] stand paramount as primary obligations, but only its foundation and their insistence on their *position of power*, does not particularly need to be proved again.

2 THE HAGUE CONFERENCE OF 1899: GERMANY'S OBSTRUCTION

In the final decade of the nineteenth century, the escalation of armaments with its egregious burdens on states' budgets, the impression of the rapidly growing devastating force of ever more murderously constructed weaponry, as well as the intensification of conflicts of interest between the

great empires created a situation whose pressure was frequently perceived to be frightening even in the circles of rulers. Towards the end of the previous century, Tsar Nicholas II of Russia aligned himself with these people. It was the time when in Warsaw the learned banker Ivan von Bloch published his treatises, which caused a sensation, about the horrors to be expected in a war between the great powers given current technology and the size of armies, treatises which he then had published under the title *War* in six volumes in German as well.⁴ His arguments are supposed to have had a particularly strong effect on Nicholas II. On 28 August 1898, the latter had his circular, which has become known as the Tsar's Manifesto, distributed to the various powers by his Foreign Minister, Count Muraviev, in which, referring to the rising financial burdens of armaments and their dangers for the cultural development of peoples and general security, he proposed convening a conference whose task it should be to inform accords through which one could set an end point for the endless armaments, and forestall the calamity of destructive wars that threatened the whole world.⁵ This circular was taken up with unreserved approval almost exclusively in the circles of pacifists. For the bourgeois press in Germany opposed it fairly morosely, and the socialists took it up with mistrust in light of Russia's autocratic system of government. They also considered the idea of being able to accomplish anything serious against military armaments as long as capitalism existed to be utopian. When the liberal German historian Mommsen described the proposed conference as a "printing error of world history", he had with that not just the majority of the German bourgeoisie but also a fair number of German socialists on his side.⁶ However, it may be noted nevertheless that August Bebel and other leaders of German Social Democracy did not let themselves be carried away by their mistrust to such an extent as to support the politicians favouring armament [*Rüstungspolitik*] in their opposition to accepting the proposal. Bebel took the view that Social Democracy had the obligation to influence governments in the vein of its programme and its congress resolutions, which demanded international courts of arbitration and opposition to arms races.

Given the powerful position that Russia then occupied in Europe, and since a number of states had taken up the suggestion favourably all the same, the proposed conference came about despite all these objections. To be sure, it did so with a programme that was very watered down, with a view to the misgivings expressed by various governments about the first circular on the question of armaments, although it still included the

question of arbitration processes for states' disputes as a point of consultation. The conference, convened at the Hague by the Dutch government, met on 18 May 1899. Twenty-six states, among them all the European great powers, sent delegates to attend it in the form of ambassadors and other diplomats, military experts, and eminent constitutional and international legal scholars, 138 persons in total. The conference branched off into three commissions, of which the first addressed the question of armament, the second the regulation of land and naval warfare under international law, and the third the question of the peaceful resolution of cases of dispute. Regarding the question of armament, the conference managed only a resolution that declared "the restriction of military charges, which are at present a heavy burden on the world" to be "extremely desirable".⁷ With respect to point 2—the rules of land and naval warfare—accords were agreed which we considered in the sections about the law of peoples and war. The best part of them was thrown into disarray by the current war. With the third point—arbitral institutions—it was possible after many efforts to push through at least so much that determinations were agreed about creating a *permanent court of arbitration* for disputes between states, which was then also instituted two years later. Germany's representatives had resisted its creation the strongest, and it became known that the German Kaiser opposed any permanent tribunal, however it might be constituted; his government had not only instructed the German representatives in this sense but also encouraged Germany's allies to take up positions in this vein. The exceedingly Germanophile American ambassador at the time, Andrew D. White, recounts in his memoirs that the German Kaiser was against courts of arbitration because he saw in them a curtailment of his sovereignty and that besides this, the German side described the convening of the conference as a ruse to help the young Russian emperor appear in a blaze of glory at the expense of Germany and the German Kaiser! White further reveals that, at the time, in a long letter from the conference, he explained to Bülow and through him to the Kaiser what a great political error they would commit if they took a stance that would make Germany responsible for the failure of the proposals in the eyes of the world, merely on the basis of such considerations.⁸ He had this letter personally delivered to the Kaiser by one of the American experts, Dr. Holls, and with Holls travelled the German delegate Professor Zorn from Königsberg, who had become convinced at the conference that Germany would become tremendously exposed in the world through its abruptly dismissive stance and now wished to see this avoided.⁹

The remonstrances of the two, combined with White's arguments, in fact managed to effect a moderation of the original stance in Berlin. The German government assented to the introduction of a court of arbitration on the condition that the court had to remain entirely *optional* for all cases. The agreement, as it came about in 1899, thus contains no point that obligates states to submit any case of dispute to decision by arbitral award. States are not only left full freedom about which cases they would decide to bring before a court of arbitration, but the selection of judges also remained reserved to them in every case. The only success was that instituting a permanent court of arbitration was agreed internationally at all. The Belgian representative Descamps also managed to squeeze in an article according to which the powers reserved the *right*:

of concluding, either before the ratification of the present Act or later, new Agreements, general or private, with a view to extending obligatory arbitration to all cases which they may consider it possible to submit to it.¹⁰

With that, at least, obligatory arbitration was not ruled out forever. But initially, the enacted court of arbitration was instituted in such a way that, as a body, it worked in a highly unwieldy way. It did not consist of a permanent college of judges but, rather, the various governments each had to nominate for its purposes up to four people with particular stipulated qualities, and it remained, as mentioned, reserved to disputing states themselves to agree their arbitral tribunal from among these persons, whose mandates were granted for six years. In the Hague Court of Arbitration, only the *Administrative Council* is permanent, composed of the diplomatic representatives of the contracting powers credentialed at the Hague, and whose chair is held by the respective Dutch Foreign Minister, as well as an *international bureau* that forms its clerkship. A donation of millions by the American Carnegie made it possible to build a magnificent palace for the Hague Institute of Arbitration.

Alongside the agreement about the court of arbitration, accords were also struck at the 1899 conference regarding *diplomatic mediation* for disputes and the appointment of *international commissions of enquiry*.

With regard to mediation, the only advance that could be accomplished was that provisions were agreed according to which, firstly, it was declared to be "useful and desirable" that for future cases of dispute between states "one or more Powers, strangers to the dispute, should, on their *own initiative*, and as far as circumstances may allow, offer their *good offices* or

mediation to the States at variance” and that, secondly, the exercise of this right “can never be regarded by one or the other of the parties in conflict as an unfriendly act”.¹¹ The latter had, namely, often been the case in previous years. Even merely offering to mediate was regarded by governments as an improper interference in their affairs, and this sensitivity was still assumed to such an extent that the previously cited first sentence was added the words: “as far as circumstances allow”. A restriction that, as the current war has shown, can significantly reduce the practical value of the provision. A similar addition constrains the meaning of Article 2 of this agreement: “In case of serious disagreement or conflict, *before an appeal to arms*, the Signatory Powers agree to have recourse, as far as circumstances allow, to the *good offices* or *mediation* of one or more friendly Powers”—an arrangement that could have had a certain meaning if the same words had not been attached to it as well: “as far as circumstances allow”. Thanks to this addendum, which was tenaciously defended by Professor Zorn, one of Germany’s representatives, and Professor Martens, one of Russia’s representatives, it lies within the discretion of every power to flout the obligation conceded in the main clause without further ado, as in fact also happened at the outbreak of this war.¹² Then, further, the *general commitment* which the first article of the agreement expresses as follows remained ineffective:

With a view to obviating, as far as possible, recourse to force in the relations between States, the Signatory Powers agree to *use their best efforts* to insure the *pacific* settlement of international differences.¹³

In 1914, this sentence prevented no more than did the far more promising introduction the governments that had ratified them from *refusing to* call on any mediation and coolly *rejecting* mediations offered to them. The clause “as far as circumstances allow” was *carte blanche* for ignoring it. For it leaves the decision about whether circumstances allow it or not up to the disputing parties. To cap it all, moreover, Article 7 of the agreement states that the “acceptance of mediation can not, unless there be an agreement to the contrary, have the effect of *interrupting, delaying, or hindering* mobilization or other measures of preparation for war”. For states who want to incite a war, all of these fine moral bonds are weaker than spider’s webs.

Also without practical effect remained the provision in Article 8 that recommends to contracting powers, in disputes that endanger peace, to each entrust a power with the task of entering into immediate contact with

the power chosen by the other side, in order to avoid the breach of peaceful relations, in other words that each side should choose a kind of second, and that these seconds should make all efforts to settle the dispute peacefully. Into this article too is inserted the ominous sentence “when circumstances allow”, and wherever a state does not wish this, that is precisely where circumstances do not allow it.

By contrast, there have been some practical effects of one particular section of the agreement, comprising six articles, which declares it useful in the case of international disputes, when conciliation by the diplomatic route could not be accomplished, to appoint an *international commission of enquiry* with the remit to *clarify the facts* for the purpose of solving these disputes through impartial and *conscientious examination*. However, here that ominous sentence is not missing either: “as far as circumstances allow”, and besides, the reservation is added that only those disputes are meant that “involv[e] neither honour nor vital interests” of the disputing parties.¹⁴ And so thus, on the eve of the world war, Austria-Hungary was able to calmly ignore this provision and decline the Serbian government’s proposal to bring the dispute about the responsibility for the murder in Sarajevo before the Hague Court of Arbitration.

On the other hand, during the Russo-Japanese War, in the Hull (Dogger Bank) Incident, which nearly brought about a war between them, England and Russia agreed to submit the case to a commission of enquiry, in accordance with the prescriptions of the Hague Agreement, whose verdict had as its result the peaceful resolution of the crisis.¹⁵

3 THE SECOND HAGUE CONFERENCE (1907): ITS ACHIEVEMENTS AND ITS HALF-MEASURES

We can pass over the provisions about the court of arbitration and arbitral decision of disputes determined at the 1899 conference after what we have said about them previously, since they do not substantially differ from the provisions under which voluntary arbitration courts are otherwise formed as well. The number of judges to be named each time was standardised to five. The first arbitration decision by the court that was formed on the basis of this agreement was given on 15 September 1902 in a dispute that concerned Mexico and the United States. A second dispute that was brought before the Hague Court and ruled on in accordance with its statutes concerned a dispute of European states with *Venezuela*, and third

such with *Japan*, and a fourth finally a dispute between European powers, namely, a dispute between England and France over the Sultanate of Muscat, which came to hearing and was decided in Summer 1905.

Four cases in three years were not really all that much, but a start nonetheless. The supporters of the idea of arbitration did not stop propagandising for the further development of the institution and now found stronger favour in the political world. On the occasion of the Inter-Parliamentary Union in 1904, the then-President of the United States Roosevelt announced that he was prepared to seize the initiative for inviting powers to a Second International Peace Conference, and after consulting the various governments, which naturally took quite a lot of time, the Russian government, after the end of the Russo-Japanese War, also took over the invitation to the *second conference at the Hague*, which was able to convene on 15 July 1907.

This time, 44 states were represented, and the number of visitors ran to over 300, among them many diplomats and scholars of worldwide reputation. The questions that came to hearing were substantially the same as those that had occupied the first Hague Conference: questions of the *law of war*, the *question of disarmament*, the question of *peace mediation*, of *arbitral jurisdiction*, of *commissions of enquiry*, questions of *neutrality*, and the collection of treaty debts. For most of these questions, attendees were motivated to demand tightening the resolutions drawn up in 1899 in the direction of the greater securing of peace and the greater protection of non-combatant populations in the case of war. And, in fact, some such tighter resolutions were agreed regarding the law of land warfare as well as naval warfare, so that overall, the agreements about this in 1907 represented without a doubt an advance relative to the earlier agreements. The most important of these provisions has likewise already been considered in the arguments of our fourth and fifth lectures. *No progress* was achieved in the question of curtailing the arms race. Besides private agitations for limiting armaments, resolutions by the English Parliament and statements by leading English ministers in favour of them had nominally placed the question on the agenda. So too there was no shortage of declarations by the English government that, if Germany declared itself ready to enter into negotiations about armaments restrictions, it would be prepared to join these negotiations at any time. But on the German side, these consistently received evasive or negative responses. And when it became known that the English government intended to raise the question of disarmament

in the discussions at the second Hague Conference, the then-German Reich Chancellor Prince Bülow announced in the Reichstag on 30 April 1907 that *Germany would not participate* in any discussion of *the question of armament* at the conference.

With that, given Germany's stance in the Council of Nations, any notion of a resolution with more definite content in favour of limiting armaments was ruled out for the conference. Also, to avoid conflict, it refrained from entering into a precise discussion of the question at all. The only thing they were able to achieve after private negotiations was that, in the session of 17 August 1907, the conference accepted without further discussion the following resolution, proposed by the first representative of Great Britain, Sir Edward Fry, at the end of his address:

The Second Peace Conference confirms the Resolution adopted by the Conference of 1899 in regard to the limitation of military expenditure; and inasmuch as military expenditure has considerably increased in almost every country since that time, the Conference declares that it is *eminently desirable* that the *Governments should resume the serious examination of this question*.¹⁶

That this resolution changed absolutely nothing in the continuation of the arms race is generally known and may therefore just simply be noted here.

In the consultations about arbitral jurisdiction, Germany did not behave quite as negatively as in 1899, but it still opposed very energetically the attempts to turn the *obligatory court of arbitration* into a general institution. Since 1899, a whole series of states had concluded treaties by which they obligated themselves reciprocally to submit their disputes to immediate arbitral decision, if conciliation could not be achieved in them through direct diplomatic negotiation. As a result of this, it was frequently believed that we had come so far as to be able to make calling on the court of arbitration an *obligation* for all states with a general treaty under international law. However, the German delegation declared, over the course of the negotiations about the motions to this effect, that Germany definitely rejected a *world treaty* that *generally* prescribed the submission of states' quarrels to arbitral decision. Despite this, in the sub-committee that initially consulted on these motions, a motion to make calling on the court of arbitration obligatory, at least for disputes that touched neither the substantial *interests* nor the *independence* of disputing parties, and

were of a *juristic* nature, received 13 votes to 4 against, and in the plenary assembly, it achieved a majority of 32 against 9 votes with 3 abstentions. But this did not lead to it being accepted, since this was prevented by the rule that resolutions concerning international law must be accepted unanimously. Of the great powers, apart from Germany, Austria-Hungary voted against. Further, Germany resisted the proposal to make the agreement that had been accepted with such a sizeable majority at least *binding* for *those* states that voted in favour of it. In Germany's name, ambassador Freiherr Marschall declared that infringing the fundamental principle that resolutions must be accepted unanimously would "seriously endanger future conferences".¹⁷ With that, the idea was written off for now, and, in order to be able to at least establish unanimity on the *fundamental principle* of obligatory arbitral jurisdiction, they restricted themselves to agreeing the following declaration, then accepted by the plenary assembly of the conference:

The Conference, actuated by the spirit of mutual agreement and concession characterizing its deliberations, has agreed upon the following Declaration, which, while reserving to each of the Powers represented full liberty of action as regards voting, enables them to affirm the principles which they regard as unanimously admitted:

It is unanimous

1. In admitting the *principle of compulsory arbitration*,
2. In declaring that *certain* disputes, in particular those relating to the *interpretation* and *application* of the provisions of international agreements, may be submitted to compulsory arbitration without any restriction.

Finally, it is unanimous in proclaiming that, although it has not yet been found feasible to conclude a Convention in this sense, nevertheless the divergences of opinion which have come to light have not exceeded the bounds of judicial controversy, and that, by working together here during the past four months, the collected Powers not only have learnt to understand one another and to draw closer together, but have succeeded in the course of this long collaboration in evolving a very lofty conception of the common welfare of humanity.¹⁸

Only in one respect did the fundamental principle of a general obligation to call on a court of arbitration find harbour. That happened in Article I of the agreement that, in the collection of treaty debts, no recourse should be made to armed force. Article I of this agreement, which comprises seven articles, states:

The Contracting Powers agree *not* to have recourse to *armed force* for the recovery of *contract debts* claimed from the Government of one country by the Government of another country as being due to its nationals.

This undertaking is, however, *not applicable* when the debtor State *refuses* or *neglects to reply* to an offer of arbitration, or, after accepting the offer, *prevents* any compromise from being agreed on, or, after the arbitration, *fails to submit* to the award.¹⁹

Thus, debtor states face the prospect that they may have war inflicted on them under international law if they refuse to agree to arbitral resolution, block the conclusion of an arbitration treaty, or do not comply with the arbitral decision. When this statute was resolved, for which they had in mind certain South and Central American and other states, nobody thought that the threat would once also become significant for a European great power. Nevertheless, the war has now brought this about. Thus, Russia's creditor states would now be justified in waging war on the Russian Republic because of the act by which it abruptly declared its sovereign debt abroad null and void. However, in this war, such deep wounds have been inflicted on the law of peoples that those of Russia's creditor states who felt induced and would be in a position to enforce the payment of debts or the surrender of appropriate collaterals by armed force could probably undertake this without any sanction whatsoever. However, the idea that a state that has become unable to pay should not suddenly have a gun put to its head is naturally to be acknowledged as progress.

The 1899 Agreement was elaborated in great detail at the second Hague Conference on the question of appointing *international commissions of enquiry* for cases of dispute that are substantially a matter of conflicting assessment and evaluation of *facts*. It was expanded by a series of articles concerning the process for enquiries. As already indicated previously, Austria-Hungary, which had also concluded and ratified the agreement, acted against its spirit and purpose when in July 1914 it rejected out of hand the Serbian government's proposal to submit the dispute over Serbia's complicity in the assassination in Sarajevo to the Hague Court of Arbitration. Tsar Nicholas II evidently had this agreement in mind when, in a telegram to Wilhelm II on 29 July 1914, he suggested transferring the Austro-Hungarian-Serbian dispute to the Hague Court of Arbitration. But he had no better luck with the German Kaiser than Serbia did with Austria-Hungary. At the time, the telegram in question was not even made public in Germany at all.

It is self-evident that the 1899 Agreement about *arbitration* was worked over at this second conference in various ways. In it lay the main interest of the conference, and very detailed consultations were dedicated to it. But the outcome was almost only formal advances. A small improvement of a material nature is set down in Article 53 of the expanded statute. Under it, in certain cases of dispute, in which it is a matter of executing or interpreting incurred obligations, the court of arbitration is already given competency at the request of even only *one* of the parties, if beforehand an accommodation by the diplomatic route has been tried without success.

Articles 86–90 of the new agreement make provisions for a *shortened arbitration process* with disputes of a lower-order nature.

The title *permanent court of arbitration* easily lends itself to conveying a false concept. The agreement that carries this title provides a framework for the arbitral treatment of disputes and contains provisions about forming courts of arbitration for cases of dispute, but says nothing about a *permanently appointed college of judges* that stands available at any time, so that each time, forming a court of arbitration was associated with time-consuming and, as the case might be, costly circuits. To remedy this, the delegations from Russia and the United States had submitted proposals to this second conference to set up a truly permanent court of arbitration, which should consist of a smaller number of judges—15—who would be appointed by contracting states from term to term in a certain rotation. But not only was the concern raised against these proposals that such a permanent court could well be a *judicial tribunal* but also that it could easily threaten the actual *system of arbitration*. Moreover, a number of smaller states took umbrage at the fact that under the American proposal, which was ultimately the only one left over, large states should supply a greater number of judges and would thus be represented more often in the court than smaller states, whereby in their opinion the fundamental principle of equality of states under international law would be dealt a terrible blow. The former concern was addressed by working out a design whereby, *besides* the permanent court with its arrangements that had already been created, for arbitral judgement in the strict sense of this word, a *truly permanent* court of arbitration should be constituted, whose statute made exact provisions in three instruments and 35 articles about its organisation, remit, and process. But the second difficulty could not be overcome. It was not possible to reach an agreement about a rotation that could take states into account in forming the colleges of judges. The prin-

principle of equality and the idea of convenience remained out of balance. And thus, they had to satisfy themselves by prefacing the final act of the conference with the following *wish*, which was accepted by 36 votes to six abstentions:

The Conference recommends to the Signatory Powers the adoption of the annexed draft Convention for the creation of a Judicial Arbitration Court, and the bringing it into force as soon as an agreement has been reached respecting the selection of the judges and the constitution of the Court.²⁰

This wish too has, in the first instance, remained a pious hope. It is obvious that a permanent court of arbitration, in the way that the American proposal wanted to construct it, would have presented significant advantages. A court that can convene faster and works in a less costly way will be called on more often than one that entails more time and costs. And it lay in the interest of the happy coexistence of peoples that as many cases of dispute of an international nature as possible be decided by court judgement, since in such a way the elaboration of an entire *system of international judicature* would attain significant support.

We must naturally distinguish between *arbitral jurisdiction* and *jurisdiction per se*. The defining mark of the court of arbitration is that with it, parties each time choose the same number of judges themselves, and that these confer under a chairman nominated by them or by a neutral authority, whereas with jurisdiction *per se*, judges officiate who have already been appointed, and who only form groups if necessary, depending on the objects of dispute. In view of the concepts of honour and interests prevalent among the bourgeois classes, it should be understood that states hitherto would still rather agree to call on arbitral decision for cases of dispute than to submit these to such a tribunal of permanent judges. In addition, we have seen that even the obligation to engage with courts of arbitration in general met with insurmountable objections from a crowned head of state and that thereby many more such cases of dispute were ruled out that dealt with the *honour, interests, and independence* of the states in question. Where questions of this nature come into consideration, even their arbitral treatment already counts as an impermissible interference in states' sovereignty and what their rulers understand as "honour". The court of arbitration should thus not come into operation precisely when dealing with questions which pose the greatest danger of

giving the occasion for wars or of providing the pretext for them. We have not hitherto overcome this hurdle in the Hague. In all resolutions, in all the individual paragraphs of the convention that was agreed on, this hurdle forms the reservation, the border sign, on which it reads: *up to here and no further*. But as long as this border post is not torn down, the International Court of Arbitration will fail precisely where it would be needed the most.

NOTES

1. The 1795 Treaty of Amity, Commerce, and Navigation, commonly known as the Jay Treaty, resolved outstanding issues from the end of the American War of Independence and ensured a restoration of peaceful trade between Britain and the United States. The 1814 Treaty of Ghent ended the War of 1812 between Britain and the United States, restoring relations to *status quo ante bellum*.
2. The *CSS Alabama* was a sloop-of-war built in Britain to act as a commerce raider for the Confederate States Navy in 1862, which attacked US merchant and naval vessels before being sunk outside Cherbourg in 1864 and prompted the United States to successfully pursue the “Alabama Claims” against Britain in damages for losses incurred.
3. Alfred Hermann Fried (1864–1921), Austrian pacifist, author, journalist, and champion of the Esperanto movement.
4. Ivan/Johann von Bloch (1836–1920), Polish-Russian banker, industrialist, and railway entrepreneur, as well as author of *Die Zukunft des Krieges*, 6 vols. (Berlin: Versch, 1899), translated as *The future of war in its technical, economic, and political relations*, William Thomas Stead (tr.) (1899).
5. Mikhail Nikolayevich Muraviev (1845–1900), Russian statesman, best remembered for circulating the ‘Tsar’s Manifesto’ that led to the 1899 Hague Peace Conference.
6. Christian Matthias Theodor Mommsen (1817–1903), German classicist, historian, jurist, journalist, archaeologist, and liberal politician, opponent of Heinrich von Treitschke’s antisemitism but highly anti-Slav in his German nationalism.
7. *Final Act of the International Peace Conference* (The Hague, 1899).
8. Bernhard Heinrich Karl Martin von Bülow (1849–1929), German statesman, Reich Chancellor from 1900 to 1909. Andrew Dickson White (1832–1918), American historian and educator, co-founder of Cornell University, and later politician and diplomat.

9. Philipp Zorn (1850–1928), German theologian, constitutional lawyer, and politician for the DkP. Frederick William Holls (1857–1903), American diplomat, instrumental in bringing about US participation in the 1899 Hague Conference.
10. *Convention (I) for the Pacific Settlement of International Disputes* (The Hague, 1899), Art. 19. Édouard Eugène François Descamps (1847–1933), Belgian jurist and politician, suggested introducing an international court of justice to reform and strengthen the League of Nations.
11. *Convention (I) 1899*, Art. 3.
12. Friedrich Fromhold Martens (1845–1909), Russian jurist and diplomat, important contributor to international law scholarship and the practice of international arbitration.
13. *Convention (I) 1899*, Art. 1.
14. *Convention (I) 1899*, Art. 9.
15. In the 1904 Dogger Bank Incident, the Russian Baltic Fleet mistook a British trawler for a Japanese naval vessel and fired on it, leading to 3 deaths and several wounded on the British side.
16. *Final Act of the Second Peace Conference* (The Hague, 1907). Edward Fry (1827–1918), British jurist, Quaker, and arbitrator on the Permanent Court of Arbitration.
17. Adolf Marschall von Bieberstein (1842–1912), German civil servant and liberal-conservative politician, foreign minister from 1890 to 1897, represented Germany at the 1907 Hague Conference.
18. *Final Act of the Second Peace Conference 1907*.
19. *Convention (II) respecting the Limitation of the Employment of Force for the Recovery of Contract Debts* (The Hague, 1907).
20. *Final Act of the Second Peace Conference 1907*.



The Further Development of the Law of Peoples in the Spirit of Modern Democracy

1 DEMOCRACY AND THE STATE

In previous chapters, it was shown through various examples that very deep wounds have been inflicted on the law of peoples in the current war. Where those who allowed themselves to become guilty of such infractions even deemed it worth the effort of justifying their conduct with reference to the law of peoples, they either tried to interpret the statutes of treaties recognised under the law of peoples in such a way that they appeared to condone those actions or alternatively justified it by arguing that the legal provision in question was no longer adequate for the changed conditions of peoples' lives in war. How the advocates of war and of the politics of violence [*Gewaltpolitik*] understand this was shown with the example of Eltzbacher's piece. After all, it is only natural that, if prescriptions under the law of peoples stand in the way of measures that belligerents find efficacious, they will find these bothersome and seek to portray them as misguided. What a well-known joke says about morality can also be used to identify this tendency in the law of peoples: "The law of peoples is what one wants others to abide by".

If one understands the law of peoples exclusively as the embodiment of the rules of behaviour in war and the use of military means, then it cannot be denied that the profound changes that have taken place in weapons technology and intercourse may warrant a review of the prescriptions for war conduct and military measures under the law of peoples.

The law of peoples is, from a purely superficial perspective, a limitation of war. But by imposing prescriptions on war, even if these draw boundaries around it, it also still acts as a kind of legitimation of war at the same time. It does not just take away from war but also gives something to it. It awards war, as we have learned from what was discussed in the relevant chapters, significant rights; one could well-nigh call it a *statute of war*. And the course of the two so-called peace conferences at the Hague showed how timidly state delegations shrank away from drawing any legal boundaries whatsoever around the right of governments to start wars. Honour and interest, as states or their governments understand these, proved themselves to be the sacrament which one did not dare approach at congresses that were supposed to deal with questions of the law of peoples. And it is exactly these that mostly supply the motivations or pretexts for wars and with regard to which preparation for war is presented to peoples as a necessity of their existence in states. We do not have to concern ourselves with adaptating the law of peoples to the upheaval in the domain of weapons and other technical means of war. The fundamental idea that, in war, the non-combatant population is to be spared and protected will be adhered to unwaveringly by democracy in our times. The slogan that the cruellest war is the most humane has turned out to be a hollow phrase, used by sycophants of brutal and violent politicians to beguile the unfortunately still infinitely large host of the thoughtless. Cruelty is cruelty and nothing else. Not through that but through its incremental *overcoming* have peoples attained milder customs and higher forms of coexistence. The acknowledgement of that phrase would assign the state whose leaders made organised murder and robbery the founding principle of their policy in the most unscrupulous way, and who accustomed their people to this policy, first place in the Republic of Nations, and so bring about quite the opposite of what one normally regards as the ideal of modern democracy.

One will ask what should be understood here under the term *modern democracy*. It is frequently used without an explanation that is accepted and clear on all sides being given for the concept. Hence, it seems necessary to me to remark that in these analyses, modern democracy is the synoptic expression for the democratically minded world of modern civilised peoples and their fundamental political principles and goals. Democracy in our times is not simply mass rule. It is the movement for the realisation of political *equality* with the purpose of *eradicating all class rule*

and all *social* and *national* oppression. It is, therefore, at the same time the movement for a *peaceful* and *intimate* coexistence between peoples. With that, it is also from inner necessity a counter-movement against all politics of conquest [*Eroberungspolitik*] as this was previously practised overwhelmingly in the dynastic interest and today with or without dynastic leadership in the interest of oligarchies.

To the fundamental principles of modern democracy belongs the recognition of the *right* of nations *to self-determination* and the unity of interests between civilised peoples. The *foreign policy* of modern democracy is, as a result of this, by necessity *the policy of peace* [*Friedenspolitik*]. In the countries whose population has attained the national integration of all fellow members of the people [*Volksgenossen*], democracy is the actual party of peace. Specific associations for propagating peace among peoples [*Völkerfriedens*] and the measures necessary for securing it may also exist outside the democratic parties, and act in an educational capacity, but the peace movement will today consistently find its main force in democratic catch-all parties—that is, in the first place in the political party of the proletariat, and next to it in that form of Bourgeois Democracy that understands how to keep itself free from the influences of imperialism and militarism.

As weak as the latter parties are today in our country, they should still not be left out of consideration for our enquiry. With respect to the law of peoples, there are demands that Social Democracy has in common with radical Bourgeois Democracy, and it is these we want to turn to next.

Modern democracy is not content, as regards reforming the law of peoples, with constricting the *rights* of war, but aims to challenge and constrict *war itself* as far as possible. Thus, it does not halt with its demands at those boundaries that the conception of international law hitherto has drawn for its domain of application. In addition to today's definition of the law of peoples as the law of states, one can say that modern democracy strives to make out of international law a *right of peoples* [*Recht der Völker*], in which their representation by the state may well still play a role, but the *state* itself is not treated as something that *stands above peoples* anymore. For democracy, a people is not there because of the state, but *the state because of the people*, and it only has a *raison d'être* so long and insofar as it has to fulfil certain tasks for the people's security, and to further their material and cultural development, and insofar as it lives up to them.

2 HONOUR, INTERESTS, AND WAR

The consequence of declaring this fundamental principle already becomes evident from the fact that, under it, there is or can no longer be a specific *honour* that belongs to the state. But with that, it should not be said that it is also false to speak of and call upon an honour of the nation. One needs only a little reflection to recognise that honour of the *nation* and honour of the *state* are something very *different*. The honour of the state has hitherto consistently been the expression of its *position of power*, its rank, and has little or nothing to do with *ethical* concepts—rather, as a concept, it has often placed itself in the path of ethical behaviour by the state. But the idea of *ethical behaviour* is already included in the concept of the honour of the *nation*, even if for quite a long time, it was exposed to false interpretation or application. But it receives all the more currency as honour in the ethical sense of the word and becomes a ruling principle in the behaviour of nations, the more these develop in the spirit of modern democracy. In democracy, respect for honour ceases to be a barrier to the further elaboration of the law of peoples.

The question of how we should determine whether the *interests* of a state, which elude decision by third parties, lie before us poses greater difficulties. However, one need only envision of what nature those conflicts of interests between states are that in the past and present have given occasion for hostilities to recognise that, where democracy animates the nation, no insurmountable difficulties can stand in the way of settling them without appeals to arms or means that threaten this as a prospect.

Over which disputes did wars break out between European nations since the end of the Napoleonic Wars? Apart from the revolutionary uprisings of 1848, we have as wars between European states the Crimean War between the Western powers allied with Turkey against Russia, the Italian War of 1859, the Prussian-Danish War of 1864, the German war between Prussia and Austria of 1866, the German-French War of 1870–71, the various Balkan Wars, the Russo-Turkish War of 1877–78, and the current war. Some of these wars were a matter of the liberation or national unification of certain peoples, which had to be wrung from the resistance of a ruling people or country whose interests appeared to demand the continuation of foreign rule over these peoples or the national fragmentation of these nations. Democracy will never consider it worth preserving the right of a country or nation that some people remain under foreign rule or that some nation does not unify into a single body. We know from the

Crimean War that, in the countries that waged it at the time as a matter of national necessity, it has long since been considered a great folly. Democracy in *Austria* had no interest whatsoever in the continuation of Austrian rule over Lombardy and Venice, since this necessarily meant the perpetuation of an anti-democratic system of government and since no vital or developmental economic condition of the peoples of Austria was entwined with it. Likewise, the *Danish* people had no interest in the rule of the Danish crown being maintained over the duchies of Schleswig and Holstein. A strong Danish party strove, on the contrary, to loosen this relationship and wanted to have only the overwhelmingly Danish North Schleswig unified with Denmark. The dispute over where, therefore, the border line should lie would, according to a democratic view, have been easy to decide precisely through arbitration by non-participants without bloodshed and without later mutual ill-feeling. It was Napoleon III who proposed this solution at the time. But it was abandoned because, among other things, it did not fit into the game the governments of Prussia and Austria were playing. The 1866 power struggle between Prussia and Austria only became inevitable because both states were constituted and ruled in accordance with fundamental principles that thoroughly contradicted the fundamental political principles of democracy. Whether France, after 1866, would have responded to the achievement of the complete unification of Germany with war, or would have insisted with armed force on demands for territorial cessions in compensation for it, is in no way as certain as German historians like to make it seem. The unification of Germany had to be realised with blood and iron [*Blut und Eisen*], not to overcome democratic resistance, but a dynastic one. In all the conflicts listed here, war was resorted to because in the states' governments and influential parties, opinions prevailed that are hardly espoused by their descendants any-more today, and which in any case have long since been thrown onto the scrapheap by democratic parties in Europe and across the ocean. If parties that today still treat questions about peoples as *questions of possession*—as if a people had to possess another one—call themselves democratic, they carry this name wrongfully, since with them the modern idea of democracy has simply not yet settled in. But where it has done so, and where the nation has freed itself of these opinions, which correspond to the way of thinking of a violent state [*Gedankenwelt eines Gewaltstaates*], then disputes between states that today seem able only to be decided by insisting on violence or calling upon it resolve themselves as much into

juristic questions—that is, ones to be decided through assessing *concepts of right*—as disputes about the meaning of treaties and the interpretation of propositions under the law of peoples.

Certainly, there are also disputes that are not to be decided juristically. But this does not yet prove that they are not likewise suitable for settlement by recourse to an arbitral authority. Today's conditions for coexistence between peoples, where no war between large states is conceivable that does not affect other peoples far and wide alongside them, and wars between smaller states can at any time trigger wars between the large ones, make it imperative for democracy to champion the creation of institutions through which even the declaration of war itself is withdrawn from the arbitrary discretion of states. War may *no longer* be regarded and treated *as a kind of private affair* for individual states or groups of states. Declare war a *non-private matter*! It should not only be submitted to regulation under the law of people when it is already here. Naturally, the best thing would be a complete prohibition of war. But this cannot be conceived as long as the current state system and the societal order that underlies it is substantially preserved. Thus, for the time being, democracy is compelled to establish fundamental legal principles and set down demands that declare it *against the law of peoples* to begin a war without the dispute having been brought before an arbitral authority beforehand or in contravention of this authority's decisions. This demand has already been promoted for a long time by pacifists and has found conditional realisation in the treaties between states. But it is vital to make it into a *generally obligating fundamental principle of the law of peoples*.

The law of peoples must become a supra-state law [*überstaatliches Recht*]—that is how one can indicate in a short phrase the direction in which the law of peoples is to be further developed, under the fundamental principles of modern democracy. *Supra-state law*, in contrast to its definition today as a *law of states* [*Staatenrecht*]. The state emerged historically as a tool of domination and suppression, and the doctrine of the inviolability of state sovereignty is still the mark of its emergence and bloody history. But for democracy, transforming the state from an organ of domination and suppression into an organ of *self-government* [*Selbstregierung*] and *self-administration* [*Selbstverwaltung*] is its goal and condition of life. For that reason already, it makes good sense for a state based on power and force [*Macht- und Gewaltstaat*] to insist on the sovereignty of the state versus a representative body of all nations—but not for democracy, for which this instead becomes an absurdity.

Now, admittedly, over the course of this war, even leaders of militaristic states have announced their support for the creation of a League of Nations [*Bund der Nationen*] that should make its repetition impossible. One should only recall the statement by Reich Chancellor von Bethmann-Hollweg in the Reichstag session of 19 November 1916 that after this war “a cry” would go up throughout all peoples for such a league to be created, and that he as leader of the German Reich would be prepared at that point to place himself at the head of a movement directed towards that. But one must not put too much faith in such declarations. They have too much about them of the old proverb:

When the devil was ill, he wished he might become a saint,
When he was well again, he'd be damned if he'd ever be a saint!

Herr von Bethmann-Hollweg uttered those words after Professor Hans Delbrück explained to him in the *Preussische Jahrbücher* that rejecting the pacifistic idea developed half a year beforehand by Sir Edward Grey had greatly damaged Germany's moral position in the world and that professing something similar would be sound “*Realpolitik*” in light of the pacifistic commitments of Grey, Woodrow Wilson, and so on.

Yet it is no kind of pacifism if a state makes gains through conquest and thereupon demands that the peace it needs to assimilate its conquests be secured. Here the quote that Goethe puts in the mouth of Götz von Berlichingen is much more apposite: “Peace and quiet, I can well believe, every bird of prey wishes to devour its kill in peace”.¹ The league of peoples that democracy demands is constructed upon the right of nations to self-determination within the international or supra-state law that applies to all of them. It would thus include the right of peoples or parts of a people to *revoke their incorporation* into a certain state, and would have institutions as its foundation that make possible such *secession* or *change of state membership* by a *peaceful* route. Without institutions such as this, the League of Nations would be a delusion and could easily work against their development.

Thinkers that should be taken very seriously have opposed the fundamental rejection of war, because war with all its horrors is all the same a means of eliminating historical wrong, and often exercises a compulsion on the governments of belligerent states to make concessions to the living right of peoples, to which they would otherwise not be resolved. Thus, Ferdinand Lassalle too explained in his second address on constitutional

matters that it was quite impossible to tell what stage of barbarism the world in general would still be in if the jealousy and antagonism between governments had not been an effective means of compelling them to progress in their internal matters since time immemorial.² Likewise, at various times, Karl Marx took a stand against pacifists, on the basis that their opposition to war was reactionary as long as reactionary governments had not been overthrown. And after all, the current war has shown that war and revolution can stand in a causal relationship towards one another. So, all the same, it remains to ensure that the bit of progressive work that wars have hitherto promised to accomplish, and in part have also achieved, is safeguarded in another way.

However, one thing must be remarked on this. If the prospect of a possible war is a means of leverage that compels governments under certain circumstances to make concessions to social and political progress, it is still at the same time also a means of *crippling* nations' drives for progress and of absorbing forces that would otherwise stand available for progressive work. Let us imagine that the danger of war and preparations for war are gone from peoples' lives. Would the urge of oppressed classes for social and political liberation and their capacity to lend weight to this urge be any less because of it? In the modern state, the opposite is rather to be assumed. Today, we have reached a stage in peoples' development where political struggle can do without war as a means of support, but where the latter can incur a heavy price for the advantages that it may possibly bring with it through the intellectual reaction that it almost always carries in its wake. Therefore, Proletarian Democracy, even when it is suffused with the spirit of Marxism, is a great deal more closely related to pacifism today than it was at the time of Lassalle and Marx.

3 PACIFISTIC PROPOSALS

But because the opinion of its standard bearers has so long dominated the thinking of Marxist Social Democracy, the latter has also engaged precious little with questions of the law of peoples this entire time, and has surrendered the pioneering work of the struggle for reforms in this area to people who specifically engage in the fostering of peace, for whom we have formed the collective term pacifists. The literature of pacifism also boasts a wealth of works that present extremely valuable material for the further expansion of the law of peoples. Pacifists as such want to be without party affiliation and canvass their supporters in all *strata* of society and from all

party circles. But in fact, they are virtually compelled through their work for peace to recommend *democratic solutions*. Just as democracy today must necessarily be pacifistic, so pacifism is necessarily driven towards democracy. This emerges in the plainest way from all the publications by pacifists about the eradication of war through the further elaboration of the law of peoples.

It is impossible to go through all the treatises and proposals that pacifism has supplied for our object within the framework of this book. They already form almost an entire library. Among more recent publications, the works of the Central Organisation for Perpetual Peace, domiciled in the Hague and closely affiliated with the Dutch *Anti-Oorlog Raad*—Anti-War Council—should be named, an international association to which alongside statesmen and scholars socialist campaigners belong as well. This society, brought into existence in early 1915, has already published three volumes of opinions from the pen of experts about various questions of the law of peoples and international politics, and study commissions that it has appointed are continuing to work on this. The minimum programme of this association states:

Minimum Programme

1. Neither annexation nor transfer of territory shall take place against the interests and wishes of its population. Their consent shall, where this is possible, be obtained through a plebiscite or in another way.
States shall guarantee the nationalities of their territory equality of rights, freedom of religion, and the free use of their language.
2. States shall agree to bring about *freedom of trade* or at least the *equality of all nations* in their colonies, protectorates, and spheres of interest.
3. The work of the Hague Peace Conferences regarding the peaceful organisation of the society of states shall be expanded.

The Peace Conference shall be provided with a permanent organisation and hold periodic sessions.

States shall agree to subject all their disputes to a peaceful process. For this purpose, besides the court of arbitration that exists in the Hague, (a) a truly permanent International Court of Justice and (b) a likewise permanent international Council for Enquiry and Mediation shall be established. States shall obligate themselves to carry out an agreed—diplomatic, economic, or military—action in case a state takes military measures instead of submitting the case of

dispute to judicial verdict or obtaining the expert opinion of the Council for Enquiry and Mediation.

4. States shall agree a reduction of armaments. In order to facilitate the reduction of arms at sea, the right of plunder shall be abolished and the freedom of the seas ensured.
5. Foreign policy shall be subject to effective control by parliaments. Secret treaties shall be null and void.³

The Carnegie peace foundation, which has its central office in Washington, has created and published very valuable works by experts from many countries to support the matter of peace.⁴ Diligent literary activity in this area is still being developed by the “League for the Interests of Humanity” [*Bund für Menschheitsinteressen*], which was brought into being by Dr. Rudolf Broda in Switzerland, and to whose collaborators belong among others the Swiss scholar Professor Forel, the author of a very astutely thought-out treatise about supranational peace. The *Handbook of the Peace Movement* by Alfred H. Fried, which appeared in its second edition in 1911, offers a wealth of information about the peace movement, as it existed before the war, its nature, its organisations, and its goals.

Now, at the centre of the peace literature has stood for a long time the question of securing peace through obligatory arbitral jurisdiction, which in fact is the *alpha* and *omega* of the further elaboration of the law of peoples. On the one hand, this concerns the question of how the court of arbitration is organised, for which the Hague Institute at any rate offers a foundation. But on the other hand, there is the significant problem of the *legal status* of the questions to be referred to the court of arbitration and the *legal force* of its judgment.

With respect to the former, it is above all a matter of expanding the domain of questions that can be decided by an arbitral award which has a claim to be executed exactly as it turns out. It was already remarked above that, with a given case of dispute, besides disputes about the interpretation of treaties that have been entered into and the application of resolutions under the law of peoples, conflicts of interests are also capable of such arbitral award. But disputes can also arise between states for which a decision through simple arbitral award is not viable, because a bit of right lies on both sides. To this belongs, for instance, the old dispute between Japan and the United States on account of the latter’s immigration laws. In such cases, *expert assessment* would already be enough to arrange an accommo-

ation. An assessment does not demand unconditional compliance, rather it points the way towards a compromise. But it still has enough weight for it not to be entirely ignored. And ultimately, a court of arbitration can also perform *mediation services* in a similar way to how commercial conciliation offices deal with them. In any case, the result of transferring a case of dispute to an arbitral authority will be that it emerges from it *significantly moderated* and *loses the capacity* to provide a *casus belli* that would be recognised as such by the public opinion of peoples.

Let us take a concrete case from recent times. Austria-Hungary's demand after the assassination in Sarajevo that Serbia offer protection from the support that was allegedly lent to pan-Serbian agitations on its territory by officials, the military, organisations, and so on, of the Kingdom of Serbia, was often acknowledged to be fundamentally justified. A court of arbitration would have taken it into account very extensively and would probably have turned down only those demands contained in the Austrian ultimatum to Serbia that were purely aimed at humiliating Serbia. But even if it had not done that, even if it had assented to those very dubious demands, the world war would thereby still have lost its cause. For Serbia would then undoubtedly also have acquiesced to that assessment or arbitral decision, for the simple reason that this would not have meant subjection to the whim of a powerful neighbour but only sending the dispute to an international verdict. Likewise, Austria-Hungary, if the arbitral decision had declared it necessary for it to moderate its claims, would not have been able to refuse this without exposing itself as a peace-breaker.

And here the other question arises of whether and how it is possible to ensure that the decisions of a court of arbitration in legal disputes between states and nations are accepted and carried out, in other words, the question of *execution under the law of peoples*.

4 THE PROBLEM OF EXECUTION

How can one compel a state to observe obligations that are imposed on it by a court of arbitration formed under the law of peoples? This question has been much discussed in recent times. Proposals have been made by various sides for establishing an *executive force* for the law of peoples that under certain circumstances would have to proceed against a recalcitrant state with coercive means. As justified as the idea appears to be, its realisation nonetheless meets with not inconsiderable difficulties. Let us

take, for example, the proposal to compel, if necessary, compliance with a judgment through military measures. What preconditions are associated with this? If there is already a certain internal contradiction in wishing to prevent war through war, then, in case the opposing state represented a significant military power, the execution would impose demands of much greater scope than one is inclined to suppose at first glance. How should the military coercive force be formed? Trying to assemble it out of contingents from the various contracting states would be such a time-consuming and ponderous business that the attacking state can have achieved the great part of its purpose before an effective army would have been formed out of the various contingents that would defer willingly to a unified leadership. An army composed of the most miscellaneous elements would under all circumstances represent an extremely cumbersome instrument and, as the history of various such executive troops has shown, would easily prove inferior to the army of a military state.

Other proposals come down to entrusting a certain large state, where necessary, with carrying out military enforcement. But that presupposes a continuation of the arms race which is precisely to be remedied through the expansion of arbitral jurisdiction. Moreover, if today's state relationships and capitalist-imperialist contradictions persist, one must continually factor in the possibility that the opposing state has friends or even secret allies among the other states, who would under certain circumstances aid and abet or even assist it. There are thus conceivable cases where such an international executive force might be capable of compelling an international judgment to be executed, but there is no guarantee in these proposals that this could happen in all circumstances without great detrimental effects. We must also not forget that decisions are not always reached unanimously, but are instead only majority judgments, and that the enthusiasm to make great sacrifices for them in lives and property can sometimes only be rather muted. We can say that summoning a military executive would be a dubious experiment precisely when it comes to overcoming strong resistance, while the resistance of smaller states would not be hard to overcome even without such military force.

Another proposal for how one could force states to adhere to prescriptions under the law of peoples and carry out internationally recognised decisions has a stronger internal connection with the idea of exterminating war. Under it, contravening such statutes and decisions should be punished by *imposing an international ban* that should last so long until the relevant state submits. This ban could be staggered into degrees, rising

from a simple trade and financial boycott up to the complete exclusion from all intercourse. But however much speaks in favour of this bloodless proceeding compared to military intervention, we cannot pretend that the incentive to counteract such ordinances would be much stronger than the incentive to offer military support to a state fighting against the executive force. Here, where business associations of the most diverse kind come into question, the inclination to follow a boycott decree will not be the same everywhere from state to state, from industry to industry, from business to business, but there will be many ways available for circumventing it. A boycott can impose greater sacrifices on one country than other countries and affect undertakings of a certain kind more heavily than others. If one wants to avoid unequal sacrifices, one would have to resort to establishing a right of compensation for the losses arising from it, and evaluating compensation claims would likewise run into not inconsiderable difficulties, and become the cause of all manner of new frictions.

However, emphasising these difficulties does not have the purpose of portraying the idea towards which these proposals aim as unworkable in the last analysis. It should only be shown that creating an international executive force to enforce international treaties and decisions is not a matter that one can immediately graft onto today's state system, without undertaking drastic changes in this itself, and in the imperialist progenies of the capitalist economic order associated with it.

The further development of the law of peoples does not refer exclusively to the perfection of arbitration, but today it has this as its central focus. Most other reform proposals cluster around this reform, and those that do not refer directly to *war*. It has already been said why these lectures do not go into the latter in detail. The current war has shaken belief in the effectiveness of prescriptions for protecting non-combatants and against using certain means of killing and devastation too deeply for engagement with these questions to even seem worth the effort to non-specialists. It would be the greatest Sisyphian task that has ever existed. Likewise, we shall not here discuss in detail the resolutions about the rights and obligations of *neutrals*. With respect to them too, everything that was determined about them hitherto has been thrown off balance. In today's conditions, where wars between great powers are concerned, complete neutrality barely exists at all anymore. All countries are drawn more or less into war or are affected by it. Some have to suffer under it; others derive advantages from it. The prevailing prescriptions regarding neutrality prohibit every neutral *state* from delivering certain goods to one belliger-

ent or another, but they do not forbid *members* of these states from selling and supplying such goods to belligerents. This makes it possible that not the state itself but rather its business community supplies one belligerent with military means to some extent, and not its opponent, or otherwise aids and abets it, so that one can no longer speak of the neutrality of the *country* but that rather only the state itself observes neutrality in the form prescribed by the law of peoples. The United States has provided the most telling example for this in the current war, as mentioned in an earlier chapter, before they themselves entered the war. The complaints that were made to them about it by Germans verbally and in writing, since Germany was here the disadvantaged party, are unjustified under the law of peoples. Had it been the other way around, Germany would have tolerated these supplies very readily. Everything in this case took place in strict accordance with the prescriptions of the law of peoples. But nobody can claim that this was an ideal state of affairs. The right that prevails today in this question can become the most frightful wrong and can advantage a state that initiates a war with another without a trace of justification so much to the latter's detriment that the victory of the peace-breaker over the victim is made easier in every way possible. But how should this be prevented? Imposing the same restrictions on private persons in neutral countries as on the state itself would not ensure greater justice in any way. War and justice are simply profoundly different things, and the law of war is something quite different to ethical right. Resolving this contradiction will remain a goal that is impossible to reach as long as another law applies for the state than for the people that it represents, that is, as long as the relations of *states* place themselves *between the relations of peoples to one another*, and state politics does not completely coincide with the politics of peoples [*Völkerpolitik*] but is rather determined by the interests of privileged classes.

5 THE POLITICAL MEANING OF THE PHRASE "FREEDOM OF THE SEAS"

Finally, let us also mention the demand, discussed so much today, of the *freedom of the seas*. It encompasses contradictions that, given states' relationship towards one another today, will hardly be resolved. For with it, it is not just a matter of free shipping in peacetime—which is not contested by any state in the community of the law of peoples and is long since a fact since the suppression of piracy—but rather of the freedom of the merchant and passenger ships of belligerent powers to use the sea and, except for

absolute and relative contraband, the free import by sea to them from neutrals during *wartime*. The so-called right of capture, by force of which belligerent states can seize their enemies' trading ships and certain cargoes on neutral ships intended for them, and take possession of them as prize, should be abolished. Taken abstractly, this demand sounds quite just, especially if we consider how unequally dominion over the sea is distributed, due to the geographical location of states and their territories. If a country is able to control the straits connecting the large seas and oceans with one another, it is self-evidently in the position of making the use of oceans in wartime impossible for an enemy power which is not in this position, and that is in fact the case for England. England sits at the Strait of Calais, the passage from the North Sea to the Atlantic Ocean, it sits in Gibraltar and thereby extensively controls the route from the Mediterranean Sea to the same ocean, and it sits at the Suez Canal, the route from the Mediterranean Sea to the Indian Ocean. If the right of capture is abolished, England's domination at sea only holds insofar as its fleet is superior to others.

At the Hague Conference, a special commission occupied itself with the question of its abolition, but its work did not come to any conclusion and was transferred to a special gathering, which met in 1909 in London as the Conference on the Law of Naval Warfare. There, provisions were agreed about the rights of blockade and prize that were summarised in the fifth lecture and which would have meant a considerable limitation of the right of capture. But they were never ratified, since although in 1912 the English House of Commons gave its assent to the resolutions with a sizeable majority, the House of Lords rejected them. A memorandum, signed, it is said, by 50 admirals, explained that renouncing the right of capture could mean losing a war for England. The submarine has somewhat shifted the question. All the same, the right of capture, as experience has shown, still offers a superior naval power the possibility of cutting off its enemy's imports by sea, and the control of sea routes is in England's case a very significant means for this. But to those who declare this unjust and therefore want to abolish it, the English now reply that the absolute freedom of the seas would enable a military state like Germany, given its geographical location on land, to attack and pillage each of its enemies unpunished—that is, to stock itself with provisions and raw materials and manufactured goods of all kinds, while it is waging war on land. An objection that characterises the actual state of affairs just as well as do the complaints from the German side about the injustices or dangers of England's described powerful position at sea. These assessments and the demands

attached to them confront one another today as opposites, like Kantian antinomies, for which there is no solution. That means no solution under today's relationship of states towards one another. It is therefore very questionable whether the peace settlement that will end this war will take the resolution of this contradiction even one step beyond the *status quo* that had been attained with respect to it before the war. The preconditions that must be fulfilled to really resolve these and other questions can be summarised in one phrase: international realisation of the fundamental principles of modern democracy.

NOTES

1. Original wording: *Ruhe und Frieden, ich glaub's wohl, den wünscht jeder Raubvogel, um seine Beute zu verzehren*. Johann Wolfgang von Goethe, *Goetz von Berlichingen mit der eisernen Hand* (Berlin, 1773).
2. Ferdinand Lassalle, "Zweiter Vortrag über Verfassungswesen", in Hans-Jürgen Friederici (ed.), *Ferdinand Lassalle: Reden und Schriften* (Köln: Reclam, 1987 [1892]), pp. 148–78.
3. See H.C.G.J. van der Mandere, *De Vredesbeweging en hare Geschiedenis* (Amsterdam, 1928), ch. 12.
4. The Carnegie Endowment for International Peace, founded by the Scottish-American philanthropist Andrew Carnegie in 1910.



International Social Democracy and the Questions of International Law and International Politics

I THE STANCE OF THE INTERNATIONAL BEFORE THE WAR

It has already been mentioned that, before this war, Social Democracy concerned itself extraordinarily little with the question of the law of peoples, perhaps least of all in Germany. Not that Social Democracy had ever been indifferent towards the questions that are to be governed by the law of peoples. But, as in other domains, here also it was strongly influenced by a point of view that a critic once characterised with the dictum: extremely *pessimistic about the present, boundlessly optimistic about the future*. It is the *theory of immiseration* transferred onto states' relationships towards one another.¹ According to it, in capitalist society, conditions develop increasingly for the *worse*, but in the coming socialist society, everything is to be *arranged for the best*. Wishing to abolish war or being able to impose limits on it, as long as capitalism calls the shots in state politics, was regarded as utopian. And so, all efforts directed towards this were dismissed more or less derisively as futile attempts at taming tigers. Indeed, it has happened that the fight against war was proclaimed and condemned by socialists as reactionary. As long as class struggle subsists in society, war between states would also not let itself be eradicated, and since the propagation of the peace movement has more hope of recognition in advanced than in backward countries, it would in fact very likely prove advantageous to absolutist powers. But while the economic

theory of immiseration received its correction, whereby workers did not stop fighting for improvements in their working conditions, and the need to work for reforms impressed itself on their parliamentary representatives, Social Democracy lacked for a long time the occasion and opportunity for practical action crucial for a similar treatment of questions of the law of peoples. Here, it kept essentially to mere criticism of the behaviour of governments and bourgeois reformers. The old socialist International did not go further than this.

By contrast, some advances beyond this were made in the *new International*, whose foundation dates back to the Paris International Socialist Congress of 1889.² Its first congresses were admittedly still dominated by the old point of view. But the growing influence of socialists in the various parliaments, and the associated opportunity and responsibility for approaching questions of the behaviour of states towards one another in war and peace more closely through legislation, brought about a situation where the desire for more positive work in this regard also found some representatives. This especially in the Western countries, whose parliamentary institutions granted socialists deeper insights into the workings of their country's foreign policy, and let them recognise and perceive the endangered state of Europe in the new century more immediately than was the case in Germany. While the international congresses in the last decade of the nineteenth century still limited themselves to resolutions that repudiated militarism and armaments, and condemned war in theory, in the new century, some of them occupied themselves more closely with the question of the possible prevention of war and the means to bring a rapid end to wars once they have broken out. This ultimately also had to lead to them staring war more directly in the face, so to speak.

After the Morocco crises had shaken Europe in 1905 and 1906 to the point that it was only barely rescued from the outbreak of a war between Germany and France, along with their allies on both sides, French Social Democracy took the opportunity to table a resolution at the International Socialist Congress convened at Stuttgart which demanded that the socialist workers in each country should resolve to prevent their country's entry into a war by threatening a general strike. The idea itself was not new. Already in the early days of the old International, a similar resolution was adopted at one of their congresses—Brussels 1868—without, however, leaving behind deeper results. Socialists of a more radical direction took it

up again at the start of the 1890s and raised it at the international congresses of *Brussels* 1891 and *Zurich* 1893, but there it was condemned as unfeasible and fallacious under the influence of the leaders of the large socialist parties. Now that the united socialist party of France under the leadership of its great champion Jean Jaurès took it up again, it had to be taken more seriously, and so it came in *Stuttgart* to a right lively discussion about it. As its determined enemy, German Social Democracy fought it under the leadership of August Bebel, and that sufficed to quash the French motion. In its place, a resolution was accepted that does not absolutely reject the idea but left uncertain the question of what the socialist proletariat had to do to prevent war should the occasion arise. This resolution reads:

If a war threatens to break out, it is the duty of the working classes and their parliamentary representatives in the countries involved, supported by the coordinating activity of the International Socialist Bureau, to exert every effort in order to prevent the outbreak of war by the means they consider most effective, which naturally vary according to the sharpening of the class struggle and the sharpening of the general political situation.

In case war should break out anyway, it is their duty to intervene in favor of its speedy termination and with all their powers to utilize the economic and political crisis created by the war to rouse the masses and thereby to hasten the downfall of capitalist class rule.³

At the next International Socialist Congress, which took place in 1910 in *Copenhagen*, this resolution was renewed and supplemented by additions that instructed the International Socialist Bureau to take the necessary steps under the imminent threat of war to bring about an understanding between the workers' parties of the affected countries about a unified procedure for preventing war. However, here already more socialist parties voted for the means of the mass strike against war than in *Stuttgart*, but they still remained in the minority. In contrast, it is almost without doubt that at the following congress, which should have convened in the middle of August 1914 in Vienna, a motion in favour of it would now have won a majority, but the war that had broken out in the meantime did not even let that congress take place. Nowhere was any attempt made to prevent this war through a mass strike. On the contrary, the parliamentary representation of Social Democracy in the country whose government had enacted the decisive declarations of war, namely, Germany, approved the war credits demanded of it with a sizeable majority.

They justified this by arguing that, as the question was presented to them, the war had already arrived, and it was now only a question of defending the country, while its main enemy seemed to be Tsarist Russia. Meanwhile, in France, Social Democracy approved war credits when it came to a vote about them in the French Chamber of Deputies on 4 August 1914, because days earlier Germany had declared war on France, and German troops had marched into French territory, as well as into that of the internationally neutral states Belgium and Luxembourg in order to invade France from these countries. All the same, it must be conceded that the French socialists had taken more energetic steps in the preceding days to deter their government from entering the war, than German Social Democracy had done for its part.

2 CONTRADICTIONS IN GERMAN SOCIAL DEMOCRACY 1915: THE STATEMENTS OF EDUARD DAVID AND EDUARD BERNSTEIN

The invasion of Belgium and Luxembourg by German troops despite the protests of those countries' governments contravened the law of peoples, since both states, as mentioned, are internationally neutral. How the German government, which itself belonged to the guarantors of this neutrality, justified its step does not need to be discussed here. But it must be said that the accuracy of the allegations on which it relied in this justification has been persuasively disputed by the opposing side. The parliamentary fraction of Belgian Social Democracy, which is above any suspicion of one-sided partisanship, unanimously came to the conclusion after extensive consultation that Belgium owed it to Europe to preserve its neutrality against all infringement, and accordingly also voted for the Belgian government to reject Germany's request to permit its troops to march through it against France, and that it thereby sought to defend Belgium's neutrality, with weapons in hand if necessary. If a crucial question of the law of peoples was already brought before international Social Democracy with the most tangible immediacy by these events, the same happened with the provisions that address the belligerents' war conduct and other measures in occupied territories. Accusations after accusations were raised that these provisions had been most grossly violated, and since the socialist parliamentary representatives of the belligerent countries again and again had to approve new war credits, the responsibility also lay upon them to examine these accusations and to press for them to be rectified. But one cannot say

that especially much happened in this regard. In the Western countries, the socialists saw Germany as having initiated the war and disturbed the peace in Europe and felt all the less induced to hold their own army leaderships to account when, in the main Western theatre of war, German troops had occupied Belgian and French territory and not the other way around. In Germany, meanwhile, the majority fraction of Social Democracy had committed itself so firmly to approving war credits that it avoided all public discussions that could bring it into the position of appearing to accuse its government. Only a minority within the fraction urged it to adopt the resolute attitude towards all of these questions that was appropriate to fundamental socialist principles.

The differences in German Social Democracy ultimately came so much to a head that in the middle of 1915, the party executive was forced to call a joint session of the Reichstag fraction and the party committee to debate a programme of peace demands. As speakers, it chose from the majority the delegate Eduard David and from the minority Eduard Bernstein, and these presented their statements of principle to the session, which took place on 16 August, and justified them in exhaustive addresses, which were followed by a longer general discussion. Then, a majority resolved first to vote on David's statements, and when these were accepted with various changes, the matter was declared settled, so that Bernstein's submission did not even come to a vote at all. According to the accepted statements, then, German Social Democracy declared that it was striving for a peace "that carries the guarantee of permanence in itself and leads European states onto the path towards a closer legal, economic, and cultural community" and demanded the rejection of "all of its enemies' goals of conquest directed against the German Reich's territorial sphere of control". This was also to apply "to the demand for the reincorporation of Alsace-Lorraine into France, irrespective of the form in which this is aspired to". It thus also repudiated the holding of a plebiscite. The second of the resolved statements of principle addressed the narrower domain of questions of the law of peoples and reads as follows:

For the purpose of securing the German people's economic freedom of development, we demand:

An "open door", that is, equal right for economic activity in all colonial territories;

Inclusion of the most-favoured-nation clause in the peace treaties with all belligerent powers;

Fostering of economic convergence through abolition of tariffs and trade barriers as far as possible;

Equalisation and improvement of social-political institutions in the vein of the goals strived for by the Workers' International.

The freedom of the seas is to be secured by international treaty. For this purpose, the right of capture is to be abolished and the internationalisation of the straits important for world traffic is to be carried out.

Statement 4 opposes the plans of "short-sighted politicians bent on conquest", aimed at annexations of foreign territories, and statement 5 demands that a permanent International Court of Arbitration is created to which all future conflicts between people are to be submitted.

From Bernstein's submission, let us cite the following statements which refer to the law of peoples directly:

From statement 2: "The highest fundamental principle for relations between peoples ... is peoples' right to national self-determination within an international legal framework that applies equally to all. ... Social Democracy recognises no right of conquest of nations towards nations."

From statement 3: "At the demand of a sufficiently large number of the people, populations who are forcibly incorporated into a polity must be awarded the right to determine their state affiliation through a direct vote."

Statement 5: "The securing of states and peoples against the renewed outbreak of war or against wars of reprisal is to be achieved by expanding and strengthening international law.

In this respect, the following must be demanded:

- (a) Expansion of the Hague states' conference into a permanent international association of states for the stipulation of international law and for international arbitration. Combination of the Hague arbitration institutions into a standing and appropriately subdivided international court of states.
- (b) Obligation of all states to bring the disputes they cannot settle through direct peaceful understanding before the state court of arbitration to be instituted by the Hague association, to be settled depending on their nature through *expert opinion*, *conciliation*, or *arbitral judgment*.

- (c) Binding of all states not to initiate war or warlike measures against any of the treaty states before the states' court has not had the opportunity to examine the dispute that was to be construed as a *casus belli*, and all means of peaceful conciliation are exhausted. A state or league of states that starts or triggers war contrary to these prescriptions is to be regarded and treated as the enemy of all.
- (d) Decision over war and peace through parliamentary representations. Ban on secret diplomatic agreements.
- (e) Expansion and intensification of the law of peoples with respect to war conduct and the protection of the civilian population in war. Abolition of the right of capture and the right to raise war contributions. Ban on taking hostages and the system of reprisal measures against the inhabitants of a country on which war is being waged for acts of self-help by other or indeterminate inhabitants of this country. Installation of standing commissions to monitor belligerents' measures in occupied territories and their treatment of prisoners of war and civilian persons interned under the law of war.
- (f) Internationalisation of transcontinental railroads and all waterways that connect seas and lakes encompassed by various states with one another and with the sea.
- (g) Establishment of the fundamental principle of an open door for all colonies, protectorates and other territories that lie under the influence of European states.
- (h) These provisions are to be inserted into the constitutions of treaty states."

David's statements of principle contain a demand that was not contained in my submission, but which I straightaway assented to without reservation in the debate, namely, the statement that demands the inclusion of most-favoured-nation clauses in peace treaties. Admittedly, I fundamentally go further and fight for the removal of all tariff barriers. But since this will hardly be reached straightaway, the introduction of the most-favoured-nation clause by all sides would nonetheless be a step towards this goal, since also with David it is followed by a statement that demands "abolition as far as possible of tariffs and trade barriers".

But the incorporation of the most-favoured-nation clause in the peace programme is the only advantage that I can grant David's statements of principle over mine. In general, David treats questions of the law of peoples rather in a spirit that already betrays—through the introductory words

of his submission “in appreciation of the national interests and rights of one’s own people and with due regard for the vital interests of all peoples”—a strong inclination towards compromises with bourgeois nationalism. This became clearly evident in various parts of his submission, which I will not go into here. But they also revealed that, while David, in line with the German nationalists, demands the freedom of the seas and the abolition of the right of capture, by contrast he made no remark whatsoever about the right of plunder on land, which had already then clearly proved a tool for the most ignominious abuses and lootings. In general, the actual law of peoples comes off very poorly with him. And if, in his fourth statement, he declares that the restoration of Belgium is required “from the standpoint of German interest no less than that of justice”, he does not even demand this categorically, but his submission also contained an addition on this point that could open the back door to hidden annexations:

But in the interest of its own security and economic freedom of action, Germany also cannot permit Belgium to become a military outwork and instrument of England’s political power.

This concession to the partial and wholesale annexationists, which was all the more alarming when already Chancellor Bethmann-Hollweg had let slip the assertion that Germany must have “real guarantees” in the East and West that it could not again “be assaulted” by the others, went too far even for a significant number of the members of the majority, and was therefore struck out in consultation.

With respect to my statements of principle, I believe I can at least establish that they took the international point of view of proletarian socialism as its guiding perspective, and that I made an effort, so far as this was possible in the terse framework of a few statements, to express the fundamental ideas of a radical extension of the law of peoples as definitely as possible. The introductory sentence of my statements of principle demands a:

peace settlement that in questions of the rights and relations of peoples conforms to the fundamental principles that are set down in the programme of German Social Democracy and the resolutions of its party conferences as well as the resolutions of international socialist congresses.

Parenthetically, it should be remarked here that the Erfurt Programme of German Social Democracy, resolved in 1891, already requires, in point 3 of its demands, “the conciliation of all international disputes in an arbitral way”.⁴ I argued for this formulation in September of that year in *Neue Zeit*, and in the justification for it, I wrote in the relevant article:

It may ... seem more appropriate to require for the time being only the conciliation of all international disputes in an arbitral way, but to leave the construction of an international court of arbitration until such a time when peoples will have somewhat more say in its constitution than they do today.

With that, I identified as objectively as I was able to do the differences that determine the distinct positions of the majority fraction of German Social Democracy and of the staunch opposition, constituted in the meantime as Independent Social Democracy, on questions of the law of peoples as well as on the entire politics of peoples overall. But I cannot claim then to have spoken as an agent of the opposition. It was not they who had named me as their speaker but the party executive had put me forward as such, and so it can be that one point or another would have taken on a slightly different formulation in consultations within the opposition. Meanwhile, Eduard David lies on the right wing within his fraction and so does not in all questions represent the standpoint of its average members. But in the main, the contradictory conceptions that distinguish the two fractions were expressed tangibly enough in the two submissions.

3 CONTRADICTIONS AND CONFERENCES IN THE INTERNATIONAL

In 1915 and 1916, conferences took place among the party executives of the socialists of the Central Powers, as well as meetings between delegates from the socialists of the so-called Entente Powers, which were occupied with the peace question and the problems of convening an international all-encompassing conference of socialists in order to campaign for peace. It is not possible and also not necessary to go into their resolutions here in detail. We only need to ascertain the differences between their standpoints. On the face of it, the great majority of the peace demands drawn up by either side overlap. But the antagonisms created by the war made it impossible to achieve an understanding simply by committing to a programme

of more or less general fundamental principles, without taking into account the attitude each side observed during the war, and determining how these principles should apply concretely.

The great majority of the French socialists regarded the stance that the majority of German social democrats assumed towards the war—approving war credits, passively acquiescing to the violation of Belgium, and the like—as a betrayal of the fundamental principles of the socialist International, and they announced that they would not participate in any conference with them as long as they had not justified their behaviour, and amended it in line with the International’s decision. From their perspective, it was clear as day that the governments of Germany and Austria-Hungary had desired the war, and had forced it on Europe, and hence argued that approving military means to these governments made one complicit with them. The leader of Belgian Social Democracy and chair of the standing committee of the International Socialist Bureau, Emile Vandervelde—who, when Belgium was overrun by Germany, entered its government with his party’s agreement and now, like the former, lives in exile abroad—adopted a similar stance. He doubtless expressed the sentiments of the majority of his comrades when he declared that he could not take the hand of any German social democrat who approved the means for violating Belgium. Further, the French socialists announced that, by declaring war on France, Germany had even voided the Treaty of Frankfurt of 1871, by which France had assented to the enforced cession of Alsace-Lorraine to Germany despite unanimous protest by the representatives of both provinces, and that thereby the previous legal *status quo* entered into force again, by dint of which they belonged to France. By contrast, as we saw, the majority fraction of German Social Democracy declared Alsace-Lorraine to be a German *possession*, which could under no circumstances be changed in any way. Like the French, most English socialists condemned the behaviour of the German majority and agreed with the former about the Alsace-Lorraine question as well. However, the objection of the French alone was already enough to make a full session of the socialist International impossible, since the German majority stood by their policy of approving credits and energetically denied that they had to atone for any part of their behaviour. All attempts to dissuade the French socialists from sticking rigidly to their legal standpoint failed in their aim for the time being.

These attempts were taken up again in 1917 by a committee comprising representatives of Dutch and Swedish Social Democracy and the permanent secretary of the committee of the International Socialist Bureau, Camille Huysmans, which had taken up its temporary seat in Stockholm.⁵ The seat of the committee of the International Socialist Bureau, which had been in Brussels until the outbreak of war, was relocated to the Hague at the start of 1915 for the duration of the war, and in place of its Belgian members, leading members of Dutch Social Democracy were elected to it on an interim basis. Only Camille Huysmans retained his function as permanent secretary, after he moved from Belgium to the Netherlands. The Swedish-Dutch committee then issued an invitation to the socialist parties of the belligerent countries at the start of 1917 to despatch representatives to Stockholm, initially to confer with it separately and present their views and peace goals to it in a questionnaire, so that, on the basis of these quasi-minimum programmes, an understanding could be attempted that might perhaps make it possible to bring about an international conference of socialists attended by all parties after all, and to agree a joint campaign by socialists from all countries to end the war that was demanding such fearful sacrifices. The German socialists of both fractions as well as the Austrian socialists complied with this invitation. By contrast, the French socialists initially refused to recognise the committee's responsibility for the mission it had taken on. Only after an invitation to a conference in Stockholm was also issued by the Russian Workers' and Soldiers' Council that had formed after the victory of the revolution in Russia did the French resolve to take part as well, although the French government then refused to provide their delegates with the necessary passports. The same happened on the part of England's government towards their socialist parties, on the basis of an understanding between the Entente governments. So only delegates from the socialists of the Central Powers and neutral countries could appear before the Swedish-Dutch committee. A Second International Conference of socialists, which had been convened in Stockholm by an international socialist commission founded in the year 1915 and domiciled in Bern, could also only sit as a rump conference as a result of these bans.

The latter commission had received its mandate from conferences held in Switzerland in 1915 and 1916, which were attended mostly by socialists of a more radical tendency. The partisans of this commission are called *Zimmerwalders* after the first of these conferences, which took place in

Zimmerwald in the canton of Bern, though we also call some of their supporters *Kienthalers* after the second conference, held in Kienthal, whose resolutions turned out to be even more radical than those of Zimmerwald. The Bern Commission should originally have only existed temporarily until the International Socialist Bureau again commenced operations. But it has turned into a rival, or at least an *extraordinary institution*, around which those socialists who reject any compromise with bourgeois governments have gathered. So we already had to deal with two socialist Internationals at the same time. The first comprised nearly all the major socialist parties from the different countries, since the French and English fundamentally recognised it as well. But the second International, apart from the Social Democracy of Switzerland and the majority fraction of the Italian socialists, counted among its members almost exclusively radical minority factions of the socialists of various countries. The permanent secretary of the Zimmerwald Commission was first the Swiss socialist Robert Grimm, but he was obliged to leave office in Autumn 1917.

The war has therefore not only hindered the cooperation of the socialist International by its mere factual existence but has also torn it to pieces internally for the time being. All the same, pressure by an enterprising minority of the French socialists managed in 1917 to make their party relent towards the international conferences to a certain extent, which won the approval of the English socialists without further ado. In the middle of February 1917, a conference between the socialists of England and France took place in London, attended by supporters of both factions, where the socialists of Russia and Italy were also represented, as well as Camille Huysmans, whose activity as an intermediary must be credited greatly in accomplishing this turnaround, and this conference passed a manifesto which formulated its fundamental view and peace demands, with the addendum that the signatories awaited the answer of German Social Democracy about it.

This manifesto, in conjunction with a response by the French socialists to the questionnaire of the Swedish-Dutch committee, which finally came about on 11 August 1917 and formed an entire memorandum, could now be seen as a statement of the aforementioned socialist parties about questions of the law of peoples as well. On the German side, the majority party as well as the minority party of German Social Democracy presented similar memoranda to the Swedish committee, and since both also dealt with questions of the law of peoples, we have an opportunity to compare these declarations about them from the time of the high tide of war.

4 MEMORANDUM OF THE SOCIALIST MAJORITY FACTION TO THE STOCKHOLM CONFERENCE 1917

The memorandum of the Stockholm delegation of the German majority fraction is dated 16 June 1917. Its spirit did not differ substantially from the spirit that infused the aforementioned guiding principles of the majority of German Social Democracy from 16 August 1915, to which this response also refers expressly at one point. As regards the law of peoples in particular, it demands that the recognition of an International Court of Arbitration to which all disputes between individual states should be submitted be included in peace treaties and that “a supra-state legal organisation” be created “to prevent the infringement of contracts under the law of peoples”. Further, “accords about limiting armaments at sea and on land” should be incorporated into peace treaties, with the aim of “creating a people’s army to defend one’s country against hostile attacks and forceful suppressions”; the “period of service” for the individual branches of this people’s army “should be rated as short as possible by international treaty”. Further, it demands that the military means permitted in times of war be restricted by treaty, that the armaments industry be nationalised, the supply of arms and munitions from neutral states to belligerent states be internationally banned, the right of capture abolished, the arming of trade ships banned, the straits and inter-oceanic canals that are important for world traffic be placed under international control, that effective guarantees be created to secure world trade during a war, the definition of contraband set internationally, raw materials for clothing and foodstuffs excluded from contraband, private property secured against encroachment by belligerents, postal traffic secured between belligerents and neutrals even in war, and a new concept of the blockade defined.

These demands are dictated in quite a large part by the same spirit as David’s guiding principles cited above. Realising them would secure tremendous advantages for a belligerent great power whose main strength lies on land in its struggle with a naval power. By contrast, there are almost no resolutions suitable for drawing barriers around arbitrary behaviour in land warfare. In agreement with this, this memorandum rejected “the idea of a unilateral obligation to restore anything that had been destroyed in territories affected by the war”. And likewise, it declared that its authors “could not promise themselves that the purpose of the conference would be served” by a discussion of the question of guilt,

which they claimed not to be avoiding. It should not be a matter of arguing over the past but of seeking to reach an understanding about the future, namely, “about bringing about, as quickly as possible, a lasting peace that conformed to our fundamental principles”. In principle, it declared its support for nations’ right to self-determination, which it defined as the right of peoples to maintain or establish anew their political independence. The authors express their great sympathy for the aspirations of Ireland, Egypt, Tripoli, Morocco, India, Tibet, Korea, and other countries to reacquire their former life as their own states and declare that they would “welcome the socialists of the states that ruled these countries raising their voice in favour of freeing these nations from the pressure of foreign rule”. They demand that the right of national self-determination be recognised for Congress Poland—that is, the parts of the Polish country that belonged to Russia at the time—and Finland, but acknowledge for Alsace-Lorraine only a claim to autonomy within the framework of the German Reich, and regarding the Poles of Posen and West Prussia as well as the Danes of North Schleswig speak only of their “cultural autonomy”. In agreement with the German social democrats of Austria, they demand national autonomy for the Poles and Ruthenes of Galicia and subscribe to the opinion that the South Slavic nations and the Austrian crown lands of Hungary together with Bosnia should remain within the union of this empire.

The memorandum of the German social democrats of Austria overlaps in its observations about the law of peoples for the greatest part with sections of the memorandum of the majority party of the German Reich. The German-Austrian social democrats justify their argument that the Slavs of Austria should remain within the union of the empire by saying that breaking up large state and economic territories that once existed would only benefit the bourgeoisies of the major states, which could easily play the many smaller states off against each other and dominate them. But the German social democrats of Austria obligated themselves to support the aspirations of these nationalities for autonomy at any time. Regarding the law of war, besides demands that the memorandum of German Social Democracy also contains, they drew up with greater certainty than these the demand to “limit the military means permitted in naval and aerial combat”. So far these memoranda.

5 MEMORANDUM OF THE SOCIALISTS OF THE ENTENTE TO THE STOCKHOLM CONFERENCE 1917

Let us now hear the manifesto from that time by the socialists of the so-called Entente or, as they call themselves, the Allied countries. It consisted of two parts. From the first, entitled "The war", only the first two sentences were cited in the German press—I assume that press difficulties prevented the reprint of its remaining content. This, namely, addresses the question of guilt, which, as we have seen, the memorandum of the German majority fraction did not go into. However, it should be interesting to acquaint ourselves with the remarks of the conference of socialists from the Allied nations about this question. The content of this first part is the following:

The Conference sees no reason to depart from the following declaration unanimously agreed to at the Conference of the Socialist and Labour Parties of the Allied Nations on February 14, 1915:

This Conference cannot ignore the profound general causes of the European conflict, itself a monstrous product of the antagonisms which tear asunder capitalist society and of the policy of Colonial dependencies and aggressive Imperialism, against which International Socialism has never ceased to fight, and in which every government has its share of responsibility.

The invasion of Belgium and France by the German armies threatens the very existence of independent nationalities and strikes a blow at all faith in treaties.

In these circumstances a victory for German Imperialism would be the defeat and the destruction of democracy and liberty in Europe.

The Socialists of Great Britain, Belgium, France, and Russia do not pursue the political and economic crushing of Germany; they are not at war with the peoples of Germany and Austria, but only with the governments of those countries by which they are oppressed. They demand that Belgium shall be liberated and compensated. They desire that the question of Poland shall be settled in accordance with the wishes of the Polish people, either in the sense of autonomy in the midst of another state, or in that of complete independence. They wish that throughout Europe, from Alsace-Lorraine to the Balkans, those populations that have been annexed by force shall receive the right freely to dispose of themselves.

While inflexibly resolved to fight until victory is achieved to accomplish this task of liberation, the Socialists are none the less resolved to resist any attempt to transform this defensive war into a war of conquest, which would only prepare fresh conflicts, create new grievances and subject various peoples more than ever to the double plague of armaments and war.

Satisfied that they are remaining true to the principles of the International, the members of the Conference express the hope that the working classes of all the different countries will before long find themselves united again in their struggle against militarism and capitalist Imperialism.

The victory of the Allied Powers must be a victory for popular liberty, for unity, independence, and autonomy of the nations in the peaceful federation of the United States of Europe and the world.⁶

This is the first part. The second part began with a statement to the effect that, whatever the goals for which the war was undertaken might be, the fundamental intention of the international conference in assenting to the continuation of conflict was to secure every opportunity to develop democracy in future.

The most important of all peace conditions, the manifesto explains further, is to shape the peace in such a way that in future there could be no more war. "Whoever triumphs, the peoples will have lost unless an International system is established which will prevent war." What would it help to proclaim peoples' right to self-determination if this remained exposed to new infringement and was not protected by a highest international power that could be nothing other "than *the League of Nations*".

What the constitution of this League of Nations should be was not stated precisely in the manifesto. Since it referred at the end to President Wilson's despatch on this question, we can assume that the authors had in mind a league of states, in which these, notwithstanding the diversity of their constitutions, should let themselves be represented by delegates in a similar arrangement to how this had been elaborated for states' representation in the court of arbitration at the Hague Congress. According to the manifesto, the participants should not only be the currently warring states but also all other sovereign and independent states. The League of Nations should include the immediate institution of an *international high court*, not only for all those disputes between states to be decided in a juristic way but also to establish a fast and practical mediation procedure between states for cases that affect their honour and power. Further, the consultation of peoples (i.e., plebiscites on national affiliation, etc.) should likewise be carried out under the control of the League of Nations. Only through peoples' votes would the right of peoples attain legitimacy. The League of Nations should establish the international procedure, and regulate the provisions, that

secure the freedom and honesty of these votes, restore the personal political rights that would have suffered under the violence of conquest, suppress attempts at compulsion or corruption, and prevent reprisals of all kinds that could be perpetrated against anyone after the vote.

Finally, it would be appropriate to form an international legislative assembly, in which the representatives of all civilised nations would have their place, just as it would be appropriate “to push forward, step by step, the development of international legislation agreed to by, and definitely binding upon, the several states”.

All states and all consulted peoples should give formal assurance that disputes that might emerge between them would be submitted to the arbitration procedure instituted in this way. Refusing this arbitration procedure or its decision would be proof of premeditated attack, and all peoples would, if necessary, make common cause against a state or several states which refused to recognise the arbitral decision, or which wanted to break the general peace treaty, with all the economic or military forces that stood at their disposal. However, the loyal recognition of the rules and decisions of this international organisation would presuppose a full democratisation in all countries. This would therefore demand:

the removal of all the arbitrary powers who, until now, have assumed the right of choosing between peace and war; the maintenance or creation of legislatures elected by and on behalf of the sovereign right of the people; the suppression of secret diplomacy, to be replaced by the conduct of foreign policy under the control of popular legislatures, and the publication of all treaties, which must never be in contravention of the stipulation of the League of Nations, with the absolute responsibility of the Government, and more particularly of the foreign minister of each country to its Legislature.

Supported by such a universalisation of democracy, “in a world in which effective international guaranties against aggression have been secured, the League of Nations will achieve the complete suppression of force as the means of settling international differences”.⁷

In preparation for the agreed abolition of compulsory military service in all countries, the League of Nations would initially have to move:

1. To a ban on new armaments both on land as well as at sea;
2. The same to restrict the maintenance of armaments, with which peoples are already overburdened;

3. To control manufacturing for war and to review treaties that would be concluded about this. "The states must undertake such manufactures themselves, so as entirely to abolish profit-making armaments firms, whose pecuniary interest lies always in the war scares and progressive competition in the preparation for war."

The nations, being armed solely for self-defence and for such action as the League of Nations may ask them to take in defence of international right, will be left free, under international control either to create a voluntarily recruited force or to organize the nation for defence without professional armies for long terms of military service.

As a foundation of the League of Nations, these general principles should themselves constitute an integral part of peace and serve as a starting-point for the resolution of problems. In this sense, the conference aligned itself with the proposals formulated by President Wilson in what was then his latest despatch.⁸

The latter are summarised as follows: every point of the final settlement should be rooted in the substantive justice of the particular case and be determined in whatever way is most expedient for bringing about a lasting peace; peoples and provinces should not be a commodity between sovereignties, as if they were simple objects or "pawns in a game, even the great game now forever-discredited of the balance of power"; each territorial settlement associated with this war should be arranged in the interest and to the advantage of the interested population and not as part of a compromise between the claims of rival states, and fourthly "all well-defined national aspirations shall be accorded the utmost satisfaction that can be accorded them without introducing new or perpetuating old elements of discord and antagonism that would be likely in time to break the peace of Europe and, consequently, of the world."

6 COMPARISON OF THE TWO MEMORANDA

If we compare this manifesto with the memorandum of the German majority party, it is undeniably not as well composed as the other one. It jumbles together objects of different kinds fairly untidily and resorts more to developing general fundamental principles than outlining definite demands that

could, given the nature of the warring states, still in any case be reconciled with their systems without fundamentally deviating from them at all. So-called perfectionist proposals alternate with demands for the present against which the Austrian and German memoranda took the present—specifically the given nature of states—as a foundation and based their demands and proposals on this. That gave the latter greater uniformity and systematisation and allowed everything said in them to seem realisable with the requisite goodwill. By contrast, the German memorandum differs from the Allied socialists’ manifesto in its treatment of political questions very much to its disadvantage, in that it fixated in an almost petty way on not demanding anything that could contradict its own country’s power and property interests, according to the opinions of the *property-owning classes*. That applies to questions of the law of peoples in the narrower sense of this word as well as to the peace demands that touch peoples’ rights. Other states should give up all kinds of things. For Tripoli, which for centuries neither knew nor aspired to state autonomy, this precisely was demanded. The same for the still entirely despotically ruled Morocco, which has not developed a modern political life in any way. That up to two-fifths of the Irish population do not under any circumstances wish to be separated from the British Empire, and that of the remainder by far the greater part demanded self-government, but wished to stay part of the British Empire, so that only a tenth at most aspired to full separation was completely ignored. The same for the fact that India has never been a state, but consists of peoples with fundamentally different institutions and aspirations, and that the great nationalist party of India fundamentally did not go beyond a certain degree of self-government within the British Empire in its demands. This part of the German memorandum offends almost more by tendentiously ignoring actual conditions than through the tendentious one-sidedness of its demands. The memorandum’s remarks on Alsace-Lorraine also courted criticism in every respect. There it says, for example:

The territories of Alsace-Lorraine, which belong originally to Germany, constitutionally as well as ethnographically, were ripped by France out of the union of the German Empire alongside other territories at the time, by way of forceful annexation.

But, constitutionally, Alsace-Lorraine could not “originally belong to Germany”, since constitutionally Germany did not exist at all. What is today Alsace-Lorraine lay for the most part within the territory of the

Holy Roman Empire of the German Nation and was the estate of very diverse lordships. Parts of it were exchanged or sold by its rulers to France. Others acceded to it voluntarily. Only about one part may one use the word forceful annexation. It was thus entirely ahistorical when the memorandum continued: "Through the Peace of Frankfurt in 1871, they received again their original state affiliation". However, the following sentence, "it is accordingly wholly unjustified to speak of France's historical right to these territories", would still, as skewed as it sounds, be in some way justified, if a historical right in this sense was asserted on the French side. But the French socialists did not invoke such a right, and instead rested their demand on the fact that, during the revolution in 1791, the population of Alsace-Lorraine had unanimously declared its affiliation to France and in 1871 had, through its representatives elected in March of that year, protested against their separation from France without exception. The Allied socialists' memorandum did not assert any right of property whatsoever over the provinces but rather demanded the *national self-determination of Alsace-Lorraine*. Through their formulation, the German majority studiously avoided this question.

A substantial difference should be noted here between the memorandum of the German majority and that of the German social democrats of Austria. Where the latter declared themselves against the separation of the South Slavic provinces of the Empire from its union, they justified this with considerations of expediency, which could be disputed, and which at any rate did not rule out listening to their population, but they did not appeal to rights of possession and power interests. With that, their memorandum did not stand in as strong a contrast to the fundamental ideas of the Allied socialists' manifesto as that of the German majority socialists.

The Allied socialists' manifesto fundamentally and unreservedly adopted the democratic standpoint. Its lack of unified construction, for which we admonished it above, can be derived from the fact that it was a work of compromise in a dual sense. It was a compromise between the majority and minority fractions of the French socialists, and in a slightly different sense a work of compromise between English and French socialists, whereby it was less the fundamental matters than the way of looking at things that needed to be reconciled. One finds the standpoint of the French developed very systematically and extensively in their response to the Swedish-Dutch committee, dated 11 August 1917, which comprises four sheets in duodecimo format, whereof the cited manifesto forms an extract, after a fashion.

If we disregard its formal deficiencies, the Allied socialists' manifesto was, on the whole, a declaration in favour of transforming the contemporary state system into a *league of peoples*. In its formulation, it stopped halfway insofar as it took states as they were constituted at that point in time. It drew no sharp distinction between demands directed towards the policy of these states and demands to change these states themselves, which would be necessary to make possible and make a reality the league of peoples that Social Democracy must strive for. But it contains no idea that stood in the way of the formation of such a league, something that unfortunately could not be said of the memorandum of the German socialist majority fraction.

7 THE STOCKHOLM MANIFESTO OF THE INDEPENDENT SOCIAL DEMOCRATIC PARTY OF GERMANY

The wing of the opposition members of German Social Democracy, which has assumed a separate existence in the meantime under the name Independent Social Democracy of Germany, responded to the question in a manifesto, of which the parts that refer to our object and particularly characterise its authors' way of thinking read as follows:

The Independent Social Democratic Party of Germany starts out in its peace policy, as in all its policy, from the collective interests of the international proletariat and of social development.

These interests demand immediate peace. When peace is concluded, we demand an international agreement on general disarmament. This is the most important means to reinvigorate the weakened body of the people everywhere, and to help revive the depressed economic life of peoples in a foreseeable time. Only in this way can the dominance of militarism be broken, and peoples' relationships towards one another be shaped peacefully forever.

We demand the fullest freedom of international trade and traffic as well as unrestricted international freedom of movement to develop the productive forces of the world, and to bring about peoples' convergence and interconnection.

We condemn economic isolationism or even economic war between states. The international court of arbitration is to be made obligatory for resolving all disputes between individual states. ...

The national as well as social liberation of peoples cannot be the work of a war between governments, but only the work of democracy, and peoples

must relentlessly struggle for its full implementation in the most urgent way. The monitoring of governments' foreign policy by democracy in each state will allow it to prevent any aggressive steps being taken. Secret treaties are to be abolished. All state treaties are henceforth to be made contingent on the assent of the people's representatives. ... Without regarding state borders as sacrosanct, since these are the result of conquests and in many ways stand in contradiction to peoples' needs, we reject war in general, and thus also its prolongation as a means of settling state borders.

Border changes must be bound to the assent of the population affected by them, and may not be acts of force imposed on them.

We reject with the utmost decisiveness every attempt to violate any people in any way. ...

It is not our task here to compile a programme for all individual questions that will play a role at the conclusion of peace. However, on the questions that will be central to these discussions, we declare the following already today:

The restoration of *Serbia* as an autonomous and independent state is an unconditional demand. We do not underestimate that Serbs' drive for unification into a nation-state is well-justified. The formation of such a state and its combination with the remaining Balkan states into a republican Balkan federation would be the safest means of bringing about lasting satisfactory conditions in the Balkans, ruling out foreign interventions, and eliminating the Oriental question as a cause of war. But pursuing this goal through war only means prolonging it uselessly.

We understand the deep yearning of the *Polish* people for national unification. The view that the Poles' right to national autonomy be determined by the war situation, and that this right be awarded to the Poles in Russian Poland, but denied to Prussian and Austrian Poland, contradicts the right to self-determination. But here too we reject the continuation of war as a means of enforcing this right.

In the same way, we repudiate this means of solving the *Alsace-Lorraine* question and thus find ourselves in agreement with Engels and Jaurès. Prolonging the war for the sake of Alsace-Lorraine means today that the whole world, including Alsace-Lorraine, is laid waste because of the dispute over this population's national needs, and that more people will be destroyed on battlefields than there are people living in Alsace-Lorraine.

But as Engels did in 1892, more than two decades after the Peace of Frankfurt, so today all the more we cannot close our minds off to the insight that the population of Alsace-Lorraine, which was annexed in 1871 against its will, will have no peace of mind until it is given the opportunity to pronounce upon its state affiliation in a direct, uninfluenced vote.

If the vote is carried out in full freedom, in peace, and perhaps after a period of time that could be set down in the peace treaty, and if its outcome is recognised in advance as decisive for the final settlement of the dispute, then the baleful opposition that has now divided Germany and France for nearly half a century, which fosters militarism on either side, heavily burdens both states economically, and lays great barriers in the way of democracy, will be put to rest. ...

The full independence and autonomy of *Belgium* is irrefutable. In fulfilment of the formal promise that the German government gave at the beginning of the war, the damages caused by the war, in particular the economic assets that have been taken away, are also to be reimbursed to the Belgian people.

Such a reimbursement has nothing to do with any sort of war reparations, which signify a plundering of the losers by the victors, and which we therefore repudiate. ...

The peace treaty will only be secured if an international force keeps watch over it.

We see this force not in an international governmental authority, but in the international socialist proletariat. Only if an autonomous, vigorous International is established, if the proletariat everywhere grants it the full power to control governments and preserve peace, will the fateful arms race be replaced in future by a condition of mutual trust between peoples.

In the first place, the proletariat in every country has to do everything to bring about the end of the world war, and to achieve peace. ...

The establishment of a common peace programme is crucial. But this programme is insubstantial smoke and mirrors if it is not sustained by an energetic international campaign by the popular masses.

The unconditional acceptance of this international peace programme must be demanded of every government. Credits should be refused to every government that rejects this programme or even only responds to it evasively, or which does not declare itself ready to enter into immediate peace negotiations on the basis of this programme. Such a government is to be opposed in the most determined way.

Instigating and fostering such a general peace campaign will be the first task of the planned international peace conference. It must include all truly socialist elements that are determined to work for peace in this way with all their might.

Henceforth, a proletarian organisation that withdraws from such a campaign thereby forfeits the right to be regarded as an organisation of international socialism.

Nobody could refuse to attest that, in its treatment of national questions and disputes, this manifesto lives up to the fundamental principles of internationality to a high degree. By contrast, the guidelines developed in it for how socialists can respond practically to war itself are also—if not quite exactly—open to critique from the Marxist standpoint. The complete ignoring of differences between the warring powers and the war situation itself, as well as the relative strengths of the proletarian parties, did not conform at all to the way in which Karl Marx and Friedrich Engels took their stand in cases of war. The founders of scientific socialism never neglected, beyond a general overall characterisation of the societal nature of the disputing parties, the particular constellation of the warring powers and their significance for political development, but rather always considered them very precisely when choosing the stance they assumed towards these parties. Since the manifesto prescribes literally the same practical behaviour to socialists of all countries, without regard for the different situations in these countries, it parts company with the most significant chapter of the political theory of scientific socialism.

* * *

The year 1917 brought the revolution of the Bolsheviks in Russia, which led to this country withdrawing from the alliance with the Entente, the so-called Peace of Brest-Litovsk, and Russia's fragmentation. In 1918, in a speech on 8 January about the US war aims, President Woodrow Wilson compiled 14 points of a peace programme which initially met with the acclaim of just about all socialists and radical pacifists and, when the armies of the Central Powers collapsed, was taken up by these as well. The German government in particular declared, when it decided to capitulate in October 1918, that it was doing so with confidence in the programme formulated by Wilson. This, as well as the Allied consultations and resolutions about the League of Nations that was ultimately to be founded, and the peace conditions to be imposed on Germany and its allies, created a new situation whose effects on the shape of the law of peoples in the narrower as well as in the wider sense require particular examination.

* * *

NOTES

1. See Karl Marx, 'Chapter XXV.—The General Law of Capitalist Accumulation', in Marx and Engels, *Collected Works, vol. 35: Capital, vol. I* (London: Lawrence & Wishart, 1996), p. 639.
2. The Second International (1889–1916) sought to resurrect the work and organisational structure of the International Workingmen's Association (the "First International", 1864–1876), albeit with an overt attempt to exclude anarchist, syndicalist, and trade union elements, in order to avoid the factionalism and infighting that had crippled the first body.
3. "Resolution adopted at the Seventh International Socialist Congress at Stuttgart", in *International Socialist Congress at Stuttgart, August 18–24, 1907* (Berlin: Verlag "Vorwärts", 1907), p. 66.
4. See *Protokoll des Parteitagés der Sozialdemokratischen Partei Deutschlands: Abgehalten zu Erfurt vom 14. bis 20. Oktober 1891* (Berlin, 1891), pp. 3–6.
5. Jean Joseph Camille Huysmans (1871–1968), Belgian philologist, journalist, politician for the BWP-POB, and secretary of the Second International from 1905 to 1922.
6. *Memorandum on War Aims, adopted by the Inter-Allied Labor and Socialist Conference, February 22, 1918*, pp. 3–5.
7. *Ibid.*, pp. 6–7.
8. See, for instance, John L. Snell, "Wilson on Germany and the Fourteen Points", *Journal of Modern History* 26(4) (1954), pp. 364–9.



Addendum: The League of Nations and the Rights of Peoples

As we saw in the first section, before the war, Liszt described the community of states that recognise the law of peoples as binding for them as a *purposive association of states*. If one examines the legion of plans for a league of peoples [*Völkerbund*] or League of Nations [*Bund der Nationen*] that the war has brought forth somewhat more closely, they will prove almost without exception to be plans that simply have in mind the firmer consolidation of this purposive association and an extension of its tasks and competences.

On its own, this is obviously not yet a mistake. The phrase *natura non facit saltum* applies to the development of the international relations between nations to a higher degree than to their internal development.¹ For since states are not at the same level of development—culturally and in their political constitution—and some progress more slowly than others, an association between them cannot enact innovations at will but must take into account the less advanced ones, if it does not want to forego their membership. A great army always advances much more ponderously than does a small troop.

Under these circumstances, since we must already be satisfied if things move forward at all, we may not let matters rest there but must begin setting further goals for progress. For on the ambition of the goal depends the choice of steps that must be taken. A purposive association of states for

securing peace is an advance compared to the condition of interstate anarchy. By contrast, as a means of shoring up existing state constitutions and power relations, it can be something very reactionary.

Both the proposal for a League of Nations [*Liga der Nationen*] being worked out now (early 1919) by the Allied powers, and the counter-proposal drawn up by the government of the German Republic, which purports to offer recommendations for a league of peoples [*Völkerbund*], are proposals for instituting a league of states [*Staatenbundes*]. Both go only a little beyond the framework of the fundamental principles and institutions of the law of peoples already in force, and the treaties concluded between individual states or groups of states regarding the peaceful resolution of disputes, for the mutuality of intercourse, the protection of natives in colonies, and the like. As regards the structure of this organisation, and the distribution of rights, the German proposal is more democratic than that of the Allies for understandable reasons. While the latter, in short, only allows for “representatives” of associated states in the narrower committee—the “Council”—as well as the plenary assembly of the League, without worrying about how they are selected or nominated, and on top of this prescribes a composition for the Council that ensures a majority for the great powers, the German proposal places beside the congress of states a world parliament composed of delegates from their national parliaments. It contains provisions for equality in intercourse and trade policy, protections for national minorities, and an open-door policy for colonies, which were missing in the Allies’ proposal, proposes an international workers’ law that goes beyond the international protection of workers proposed by the League, and requires a two-thirds majority for the league’s decisive resolutions, while the Allies’ proposal demands *unanimity* for most decisions.

The latter means adhering rigidly to the fundamental principle of the unconditional sovereignty of states, which we have come to recognise as a barrier to the further development of the law of peoples. Overall, the Allies’ proposal is little more than the statute of an organisation designed to prevent wars, and since it does not include Germany and the states that were allied with it in the war, but instead prescribes the assent of a two-thirds majority of the voting states for their admission into the league—so that initially at least their rejection is not ruled out—the word league [*Liga*] in its old sense would still fundamentally apply to the nascent association, as equivalent in meaning to an alliance [*Verbindung*] against certain others. We may note in this proposal still the full effects of the war to which it owes its emergence.

If that is less the case with the German proposal, and if its provisions are more liberal—whereby it should not be concealed that this required a great deal of teaching—even these statutes would also not warrant using the expression league of peoples [*Völkerbund*] for the association that would be created in accordance with them. It would, namely, also only be a league of states or of nations in the constitutional sense of this word, but not of peoples. For despite its greater latitude, this statute also fundamentally stops short before the state. The rights and tasks ascribed by it to the world parliament concern the alteration of the league's constitution, the instantiation of new authorities, determining its budget, and formulating generally valid international *legal norms*. There is no mention of any other functions.

To justify the name *league of peoples* [*Völkerbund*], the league's centre of gravity would have to lie precisely with a body composed of peoples' representatives who are elected as directly as possible. However, the peoples' parliament [*Völkerparlament*] which the German proposal envisages is also not directly elected. But between its members and the wider electorate, there stands, all the same, only one intermediary authority: the parliament of the state to which they belong, whereas with delegates nominated by state governments, at least two authorities stand between these and the voters, namely, the state governments and—assuming parliamentary government—the parliaments, of which the first hold their mandate. It is naturally not unthinkable that it is resolved to let the members of the world parliament be directly elected by the voters. But since the league of peoples, which after all is meant to encompass the whole civilised world, would number maybe 1200 million or more citizens, they would have to be elected in such large constituencies—since the parliament may not have infinitely many members—that the moment which gives direct election its value would not apply for the great majority of its voters after all.

However, the existence of a world parliament that is at least directly elected by national parliaments is by no means the crucial precondition of a true league of peoples. The decisive prerequisite is the presence of such intimate social relationships between peoples that creating the league effectively only puts a stamp on what actually already exists—that it would, so to speak, give it legal consecration.

Today, in general, we imagine the league of peoples as something that could only be established by bonding together the various countries' central authorities, and which would align with its conception all the more, the more democratic these authorities are, and the more they genuinely

express the people's will in every country. And, indeed, it is at least correct that the realisation of democracy belongs to the fundamental prerequisites of a true league of peoples. As long as they do not prescribe this for their members, all interstate associations, whatever they might call themselves, will in fact only be leagues of states. Among the indispensable prerequisites of the *league of peoples* are very definite and far-reaching *rights of peoples*. Not states but *peoples* must be its real *subjects* and that is only possible if democracy has been extensively implemented.

Now, certainly, the state will not disappear overnight. Only fantasists can dream of such a rapid dissolution of state communities that civilised peoples could do without any central authority. But where a central authority exists for an entire country, there is a state, no matter whether it bears this name or not. A democratic republic with a central government is as much a state as any conservative monarchy and sometimes a much more stable state too. Only in it, the state has shed its mystical halo. It no longer floats above the public as something higher, something remote, but is now only its servant in the realest sense of the word.

"The state can be recognised by Democracy", it says in an address, which the author of this work held four weeks before the revolution of 9 November 1918 in Berlin, "only insofar as it is an organ of the *generality of the people*, changes according to *their* requirements, and *gives up* its functions where these contradict them."² But this only happens in modern civilised states when their economic-social development has advanced so far that the people with the exception of the farmers is overwhelmingly identical to the people working for wages and salaries, that is, when democracy can only exist and function as a socialist democracy and when otherwise social life in all its manifestations has surged beyond the borders of the state.

A league of economically self-contained states after the pattern of Babeuf's *Communauté* or Fichte's closed commercial state could never be a league of peoples, which instead has as its prerequisite a well-developed mutual material and spiritual interpenetration.³ The possibility of intercourse from central authority to central authority is only a part of the connections on which the league of peoples [*Bund der Völker*] relies to come about. Threads of the most various kinds must run hither and thither, free international organisations must exist, to give it reality. After all, there was no shortage of these before the war as well. International trade—as an indicator for the level of the international *division of labour*—had reached an annual value of more than 170 million marks, and this was matched by

an enormous movement of people. An entire network of international associations for economic, political, scientific, and artistic purposes spanned the Earth, and the number of international congresses and their attendees rose from year to year.

Some 20 socialist national parties with about two million members all told, behind whom stood over ten million socialist voters, were affiliated to the International Socialist Bureau, and the trade unions affiliated to the International Trade Union Confederation altogether comprised over seven million organised workers. International cartels had formed in several branches of the major industries, the insurance business was being internationalised, and in the domain of traffic, the major shipping companies signed international accords to eliminate the excesses of extreme competition. Scholars came together in regular international congresses to discuss matters, methods, and advances within their specialisms, and practitioners of the applied sciences, doctors, hygienists, social policymakers, and international lawyers did the same. Standing international bureaus and institutes were created in growing numbers to foster these interests from the perspective of commonality within the great family of peoples.

Those are real foundations for a genuine league of peoples. The world war has wreaked fateful destruction among them, has rent apart many of the threads of the network mentioned above, and thereby robbed it of its necessary stability. Reconstructing them must be the task of all who have taken up the cause of creating the league of peoples. That the threads between some individual countries are still unscathed does not change anything in the effect for the whole question. In this matter there are no half-measures. A league of peoples [*Bund von Völkern*] that excludes other peoples or even one people of import is the opposite of the league of peoples [*Völkerbundes*] to which we aspire, and all plans aimed at creating such a league have also been fundamentally rejected by the socialist International.

In the early months of 1919, in Paris, the heads of government of the Allied powers devised the peace treaty to be imposed on Germany and the states that had been allied with it in the war—a treaty which for these countries was tantamount to a dreadful punitive sentence—and fleshed out the statute outlined above, which originally declared League of Nations [*Bund der Nationen*]. In February of the same year (from 2 to 10 February), an international conference convened at Bern between representatives of the great majority of the socialist parties represented in the International Socialist Bureau, among them the representatives of the

German, English, and French socialists of both a radical and moderate tendency, held its session and, besides resolutions regarding peace aims, which demanded the *unconditional right of peoples to self-determination* within the framework of the league of peoples, resolved the following regarding the Society (*Société, Society*) of Nations [*Verband der Nationen*] that was to be created:

This League of Nations should be based on a real *peace of justice*, which will not give rise to future conflicts. It should be formed by the Parliaments of the different countries.

Representation in the central organ of the League should be, not by delegates of the executive branches of the Governments of the constituted States, but by delegates from the Parliaments representing all parties therein, ensuring thus, not an *alliance of Cabinets or Governments, but a union of peoples*.

All the nations organised on the basis of national self-determination should be part of the League of Nations.

In order to assure the efficient working of the League, all its members should have *equal rights and equal duties*.⁴

Here, for the first time, the idea is put forward that the League of Nations [*Bund der Nationen*] must be a league of *peoples* [*Bund der Völker*], in a logical application of the idea of the *democratic fundamental principle of equal right of admission* and of *equal remaining rights for all*. But the conference did not stop there. Further, it declared that the Society of Nations should have as an important function:

the prevention of economic war by the *establishment of free trade, free access to all countries, the "open door" in the Colonies, and the international control of world thoroughfares*. Where individual nations introduce customs tariffs, these should be approved by the League of Nations. Where customs tariffs already exist, their retention should likewise depend on the approval of the League.

This endorsement of free trade is exceedingly remarkable, since the free-trade movement was previously regarded by socialists as a "bourgeois affair". But the convened representatives of the working class realised that, as a group, workers are even more interested than other classes in free international intercourse. Free trade is of particular significance for the question of the league of peoples because it favours to a higher degree than any other trade policy the *international division of labour* and with

that brings the mutual interpenetration of nations to its highest development. Free trade is the *specific trade policy* of peace between peoples [*Völkerfriedens*]; from its beginnings onwards, the free-trade movement was closely twinned with the peace movement; all its great advocates were at the same time zealous agitators for institutions to secure peace, while conversely the protectionist policies in countries of developed capitalist production foster tendencies that encourage warlike policy.

But the international conference of socialists went even further in its decisions. Its resolution also demands:

The League of Nations should have powers which will enable it to develop into an organ controlling the *production and distribution of foodstuffs and raw materials throughout the world*, with a view to the raising of that production and distribution to the highest degree of efficiency.

The functions of the League should also include the establishment, development and enforcement of *an International Labour Charter*.

According to this, the authorisations and tasks of the Society of Nations should intervene so deeply in the economic and social policy of individual states that these cease to be the highest authority for the relevant legislation, but would only be executive organs for their essential part, while providing the guiding principles for laws would fall to the world parliament. And that things are actually developing in this direction is confirmed by the proposals presented at the Paris peace negotiations by both groups of powers. The expansion of the war to a war between entire peoples has startled wider popular Democracy among the nations in a way that no other convulsion could have done more strongly, and forced governments everywhere to make extensive concessions to it. But, at the same time, it has enormously increased the drive in this Democracy of the working popular classes for stronger safeguards against war than have existed hitherto. The League of Nations, as the Allied powers present it, cannot be enough for this.

The resolution of the Bern conference of socialists on this question hence concludes:

The League of Nations is being created under the pressure of conditions brought about by the war. It may be feared that, when these conditions have lost their force, the capitalist rivalry between States will develop its former acuteness. The League will, therefore, only be capable of full development and of doing justice to its great task if the working-class movement in all countries stands behind the League and exerts the necessary driving force. In proportion as the power of the working-class movement in every country increases, and the workers attain a fuller consciousness of their international

duties; the more determined they become in their opposition to any policy of might on the part of their own Governments; in proportion, in fact, as the working people realise the ideals of Socialism and appreciate the significance of the new International, so will the League of Nations be able to achieve more powerful and beneficent results.

Among a considerable part of the bourgeois classes of the countries dragged into the war, an opposite tendency confronts these aspirations for internationalisation among the parties of the working class, namely, that of excluding at least one nation—the German one—from intercourse with them. It is too strong for us to be justified in underestimating it. But if we ask which current will be the stronger in the long run, the answer cannot be in doubt. All tendencies founded in the nature of the economic and cultural life of our age of intercourse lie, as we have seen, on the side of the policy championed by the socialist International. The economy itself is expanding beyond national borders everywhere, likewise spiritual life in its various ramifications, likewise and not least legislation and policy under the pressure of the natural aspirations of the working classes. Together, they have the effect of decreasing the state's significance as a special entity in the workings of the civilised world and weakening its influence on the assessment of geopolitical tasks. Not in cultivating national thought but in cultivating and strengthening international thought should we seek the solution to the major problems for which our time believes it has found a redemptive magic formula in the concept of the league of peoples [*Völkerbund*]. We should make no mistake that the creation that will be entitled to be called a league of peoples will, as the author of this work expressed it in his address about the league of peoples and league of states on the eve of the great German Revolution, become a reality only to the extent that peoples *have ceased thinking in terms of states*.

But that can and will only come about through the elimination of all the laws and institutions on which the old state based on power and force, enthroned above society as a mystical arbiter, founded its rule. Eliminating them through self-government on the basis of democratic institutions is a prerequisite that must be fulfilled from within nations. The state cannot be permanently destroyed, it can only be superseded in its various component parts. But that must happen, and peoples must become their own masters, in order to make the league of peoples become a reality. To draw on a second quote from that address: “Only as a *world republic of solidaristically associated free peoples* will the league of peoples fulfil its great mission, only as such will it develop a law of peoples that is no longer just a disguised law of states.”⁵

NOTES

1. "Nature does not make leaps."
2. Present volume, pp. 248–9.
3. Gracchus Babeuf (1760–97), French journalist and political activist during the French Revolutionary period.
4. *International Socialism and World Peace: Resolutions of the Berne Conference, February 1919* (London: Independent Labour Party, 1919), p. 4.
5. Present volume, p. 253.

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