

A STUDY OF INTERNATIONAL GOVERNMENT

BY

JESSIE WALLACE HUGHAN, PH.D.

AUTHOR OF "AMERICAN SOCIALISM OF THE PRESENT DAY" AND
"THE FACTS OF SOCIALISM"

NEW YORK
THOMAS Y. CROWELL COMPANY
PUBLISHERS

To
EVELYN WEST HUGHAN
MY PATIENT CRITIC

EDITOR'S NOTE

IN the present volume Dr. Hughan has traced the gradual development of international government from classical times down to the present, identified the factors which permitted and retarded this development, and presented a systematic analysis of the forces which enter into the problem of effective international organization to-day. The difficulties of coping with this problem are frankly faced, and some of the directions along which its solution might be sought are indicated. Dr. Hughan's treatment forms an admirable introduction to the subject, and should prove an invaluable guide to all those who are interested in undertaking a systematic study of this group of problems.

S. E.

PREFACE

IN view of American discussion of the League of Nations, beginning with President Wilson's labors in setting up its machinery and the persistent effort which is still being made to induce this country to enter the League, it is both timely and pertinent to consider the historical aspect of the question. The present study of international government is not a plea for or against the present League of Nations per se, but is, as its name implies, an analysis of the efforts at government between and among nations since the dawn of civilization.

Its pages endeavor to trace international government from primitive to modern society, bringing out its connection with the present world movements of nationalism, imperialism, and internationalism. It shows, for example, how the Papacy during the Middle Ages approached a form of international government and how modern history has brought a gradual development along the legislative, executive and judicial lines. The historical portions are followed by an analysis of the constitution and achievements of the actual League, and, last of all, by a consideration of its specific problems in the light of economics, biology and social psychology.

Grateful acknowledgments are extended to Dr. Charles H. Levermore and Dr. Harry W. Laidler for

important assistance in the sections on the League of Nations and on internationalism respectively; to Professor John Bates Clark and Professor Stephen H. Duggan for valued suggestions; and to the editor of this series for most helpful criticism.

PRELIMINARY

WE who have lived through the last decade cannot but find one question of compelling interest—is war destined to continue as a factor in human affairs? However we may solve this problem, we find the solution closely connected with the subject of International Government.

“International” carries two simple and related meanings: pertaining to two or more nations, and concerning different nations in common. “Government” signifies the exercise of authority in the administration of the affairs of a state, community or society.¹ “International Government,” therefore, is the exercise of authority in the administration of the affairs of two or more nations.

It is true that a self-conscious association of nations embracing the general functions of government is almost unique in the world, the theocracy of the Middle Ages furnishing perhaps the only historical attempt at such an organization until the Hague Conferences and the present League of Nations. It is only in its later stages, however, that government of any kind becomes fully self-conscious. During the long period of civilization leading up to the

¹ *Century Dictionary*, 1914.

Hague Conferences the germs of international government were slowly maturing along the three lines of the legislative, executive and judicial. In many respects our recent essays in international organization have consisted of a formulation of principles and practices long recognized in the intercourse of nations.

I make no apology, therefore, for including under international government such topics as the Alabama Claims, the Concert of Europe, and the Universal Postal Union.

Like national government, international government has usually been exercised from self-interest or love of domination, and only at certain periods of enlightenment has its purpose been subject to examination. National government, though short-sighted rulers and ruling classes have mistakenly believed it to exist for their own aggrandizement, has one excuse for being, the promotion of human welfare by protecting the weak against the oppression of the strong and by facilitating the cooperation of persons in desirable undertakings. International government likewise has at times been mistaken by strong nations as a charter for the perpetuation of their own superiority. Its place in human affairs, however, like that of national government, depends solely upon its function of promoting welfare by protecting the weaker group against the aggression of the strong and by facilitating group cooperation in desirable undertakings.

The advantage of government as such over anarchy is still open to question. "One might assume with the philosophical anarchists that a government

was unnecessary, that the human instincts were in themselves all good, and that, were all restraints removed, man would act for the best and all individuals be happy.”²

Experience has shown, however, that national groups have not consented to live without some form of government, but have always created for themselves some more or less satisfactory type of organization through which the general control might be expressed. While the tendency toward international government has been far less universal than the tendency to national organization, we find that, wherever groups have established with one another conditions of permanent intercourse, institutions have sprung up which contained at least the outlines of international government.

In our own time the demand for a deliberately adopted international constitution has been pressed upon us by the increasing complexity of world relations and by a recognition of the menace to civilization involved in the war régime. This demand culminated in the formulation of the Covenant of the League of Nations and the establishment of the League itself in 1920.

With the inauguration of the League, the problem has been regarded by many persons as permanently solved, except in so far as the natural development of the new organization may lead to modifications. Others have detected, as they thought, fundamental flaws in the structure, and have accordingly cast aside as a chimæra the hope of any deliberately adopted international government.

² Pillsbury, *The Psychology of Nationality and Internationalism*, p. 249.

It seems desirable, therefore, to make a brief study of government among nations thus far, which shall center frankly about the League of Nations from a practical point of view.

A number of important volumes upon this subject have come from the press since 1914. For the most part, these may be included in two classes—the one class, published before 1919, and setting forth proposals which were to a great extent disregarded in the Covenant subsequently adopted, and the second class, published after that date, and containing surveys of international government so arranged as to culminate in the actual League of Versailles as the realization of an ideal.

There seems need of a study which shall place the present League neither at the beginning nor at the end of international government, but in the historical center.

We are justified in asking also for such a treatment of the League as may visualize it in its actual setting among the forces of the present generation. The problems of nationalism and imperialism have assumed since the war an aspect which is to some extent unfamiliar; the movement of internationalism has shown a complexity which is baffling and, to some observers, menacing. The League of Nations needs to be studied, not *in vacuo*, but in the midst of these seething post-war currents.

Last of all, it is impossible to deal with the subject of International Government apart from the general problem of war. A few years ago thinkers were accustomed to concentrate their efforts upon the League of Nations in the hope that its estab-

lishment would bring about automatically the end of the war régime. We are now compelled to realize that the preservation and development of the League itself depend to a great extent upon the decision of the nations regarding such matters as armament.

Within the limits of the present volume and the capacity of the writer, it will be impossible to make an exhaustive study of the vast field we have outlined. We will confine ourselves to inquiry along the lines of these practical questions: To what extent does the present League of Nations fulfil the requirements of International Government? What light is thrown upon the specific problems of the League by the experience of the past? To what forces may we look for aid in the task of perfecting the League as the instrument of government among nations?

We will make, therefore, a brief study of International Government up to the present time, including a history of past experiments, an analysis of projected constitutions, and an attempted estimate of the conditions requisite to success. In this study the present League of Nations will be regarded less as an achieved goal than as a milestone in the progress of international organization.

The discussion will lead us eventually into the fields of biology, economics and social psychology. Our first enlightenment, however, will come from a survey of the historic forms which International Government has hitherto taken, their successes and failures.

Copyright, 1923

By THOMAS Y. CROWELL COMPANY

PRINTED IN THE UNITED STATES OF AMERICA

CONTENTS

PRELIMINARY	Page xv
-------------------	---------

CHAPTER

I. HISTORIC FORMS OF INTERNATIONAL GOVERNMENT	Page 1
---	--------

Primitive Society—Early Religious Leagues—The Practice of Adoption—Clientage—Commendation—Ancient Imperialism—Mediæval Theocracy—Sanctions of the Theocracy—The Power of the Theocracy—The Decline of the Theocracy—The Theocracy and International Government—Weakness of the Theocracy—The Strength of the Theocracy—Its Sanction—Its Officers—Its Weapons.

II. SPECIAL EXPEDIENTS IN INTERNATIONAL GOVERNMENT	Page 22
--	---------

Federations—The Greek Leagues—The United States of America—Problems of Federation—The Settlement of the Problems—The German Federation—The Swiss Federation—Alliances—The Quadruple Alliance—The Triple Alliance—The Attitude of Great Britain—The Regrouping of 1914—The Balance of Power—Revival of the Principle—The Dangers of Alliances—Alliances and Democracy—The League as an Alliance—Summary—Selected References.

III. THE LEGISLATIVE BRANCH OF INTERNATIONAL GOVERNMENT	Page 42
---	---------

International Law—International Law of Rome—The Jus Gentium—The Jus Naturæ—Modern Theories of International Law—Treaties—Revocability of Treaties—Ancient Treaties—Present Day Treaties—The Hague Conferences—The Organization of the Conferences—Limitation of Armament—Regulation of the Customs of War—The Conventions in the World War—Summary—Selected References.

IV. THE JUDICIAL BRANCH OF INTERNATIONAL GOVERNMENT	Page 61
---	---------

Arbitration in Ancient Times—Mediæval Arbitration—Modern Arbitration—Anglo-American Boundary Arbitrations—Damage Awards—The Alabama Claims—The Del-

ago Bay Case—The Venezuela Boundary—Fisheries Problems—Further Boundary Settlements—Arbital Procedure—The Personnel of Arbitration—The Hague Convention for Pacific Settlement—The Employment of Mediation—The Commission of Inquiry—The Convention on Arbitration—The Permanent Court of Arbitration—The International Court of Arbitral Justice—Record of the Hague Court—Arbitration Treaties—South and Central American Treaties—The United States and Arbitration Treaties—The Bryan Treaties—Summary—Selected References.

CHAPTER

V. THE EXECUTIVE BRANCH OF INTERNATIONAL GOVERNMENTPage 89

Public International Unions—The Universal Postal Union—Telegraphic Unions—Other Unions—International River Commissions—Inter-Allied Control—Limitations of Inter-Allied Control—Administrative Commissions—Condominium—Diplomacy—The Usages of Diplomacy—American Diplomacy—Its Success and Weakness—The Concert of Europe—The Later Concert—The Freedom of the Seas—The Monroe Doctrine—The Success of the Doctrine—Weakness of the Doctrine—Summary—Selected References.

VI. NATIONALISM, INTERNATIONALISM, AND IMPERIALISMPage 119

Nationalism—Nationalism in 1815—Nationalism After the World War—The Essentials of Nationality—Imperialism—The Beginning of Modern Imperialism—Imperialism and the Undeveloped Territory—The Process of Imperialism—Imperialism in the Twentieth Century—Neo-Mercantilism—The Profits of Imperialism—National Consent to Imperialism—Imperialism vs. Nationalism—Internationalism—The Workers' International—The International Socialist Bureau—The Break-up of the International—Attempts to Revive the International—The Third International—The Vienna Union—Attempts at Reconciliation—The Present Condition of the International—Internationalism and Imperialism—Internationalism and Nationalism—1815 and 1919—Selected References.

VII. THE LEAGUE OF NATIONS IDEAL.....Page 152

The Grand Design—The Abbe Saint-Pierre—William Penn—Kant's "Eternal Peace"—Bentham—The Nineteenth Century—The War Period—The Armistice Period—The League Essentials—The Executive—Membership—Equality—Democracy—Disarmament—Secret Diplomacy—The Backward Country and Trade Restrictions—Summary—Selected References.

CHAPTER

VIII. THE LEAGUE COVENANT*Page 170*

Essentials of the Covenant—The Council and Assembly—Procedure Regarding Disputes—Procedure as to War and Aggression—The Executive—Membership—Democracy—Equality—Diplomacy—Limitation of Armaments—Economic Restrictions—Small Nations—Undeveloped Countries—Amendments—Summary.

IX. THE LEAGUE AND NATIONALISM.....*Page 181*

The Establishment of the League—The Secretariat—The Permanent Court of International Justice—Nationalism and the League—Upper Silesia—The Aaland Islands—The Balkan Problems—The Near Eastern Situation—The French Treaty with Kemal—The League and the New Nations—Nationalism within the League—The Assembly as a Parliament—Inhibition of Action—Summary—Selected References.

X. THE LEAGUE AND INTERNATIONALISM....*Page 199*

The League and Democracy—The League and Labor—The League and Russia—Economic Restoration—The Economic Activities of the League—The Prevention of War—The Washington Conference—The Five-Power Treaty—Poison Gas—The Submarine—Rules of Warfare—The Identification of the Aggressor—Opportunities for League Action—The Vilna Affair—The League as a Preventive of War—Summary—Selected References.

XI. THE LEAGUE AND IMPERIALISM.....*Page 225*

The Mandatory System—Apportionment of Mandates—The Mandates in Operation—The Mandates and Empire—The Powers within the League—Weak Nations in the League—The Power of the League Council—Summary—Selected References.

XII. THE PROBLEMS OF INTERNATIONAL GOVERNMENT
Page 235

Justice Not the Chief Problem—Three Problems of the League—Liberty and Inequality—The Recognition of Inequality—Apportionment of Representation—Modification of the Population Basis—The Problem Sanction—The Religious Sanction—The Personal Sanction—The Sanction of Force—Force as a League Sanction—This Sanction Adequate?—The Sanction of Public Consent—The Conditions of Stability—The Constant Elements in Public Consent—Persistence of the War Régimé—Selected References.

CHAPTER

XIII. ECONOMICS AND INTERNATIONAL ORGANIZATION

Page 254

The Socialist Theory—Socialist Explanation of War—The Process of Industrial Expansion—Imperialist Investments—Economics and the Peace Treaties—Modern War Economic in its Origin—The Munition Interests—Profits of Munition Firms—Tariffs and War—Economics and International Government—Oil and International Relations—Oil and the Near East—Oil and the Mexican Situation—Oil and the Russian Situation—The League and Economic Rivalry—The Economic Situation in Europe—The Hesitancy of Statesmen—Suggested Economic Remedies—The Remedy of the Socialists—The Remedies of the Liberals—Defects of the Liberal Remedies—Defects of the Socialist Remedy—Summary—Selected References.

XIV. BIOLOGY AND INTERNATIONAL GOVERNMENT

Page 284

Conflict and the Darwinian Theory—The Survival of the Fittest—The Crude Doctrine Obsolescent—Human Conflict not Inevitable—Race Antagonism—The Utility of Conflict—Dysgenic Effect of War—The Group Struggle—Secondary Forms of Conflict—Summary—Selected References.

XV. SIDELIGHTS FROM SOCIAL PSYCHOLOGY....*Page 298*

The Function of Social Psychology—Advance of Figurative Language—The Social Mind—The Criminal Nation—The Criminal Type—Possibility of a Criminal Society—Atrocities in War—National Morality—Mediocrity of National Ethics—Figurative and Literal War—The War Instincts—The Primary Instincts—The Fear Motive—The Combative Instinct—The Blood Lust—Combat and Play—The Herd Instinct—Enlargement of the Category of Instincts—The Intoxication Motive—The Æsthetic Element—The Relaxation Impulse—The Unconscious—Traditional Motives—National Honor—Summary—Selected References.

XVI. THE FUTURE OF THE WAR INSTINCTS....*Page 329*

The Plasticity of Human Nature—The Process of Sublimation—The Future of Fear—Irrational Fear—The Future of Combat—Possible Equivalents for War—The Secondary Conflict—The Conflict with Nature—The Future of the Herd—Two Types of Herd—Education in the Herd—Social Control and Herd Differences—Modification of Herd Control—The Larger Herd—The Æsthetic Impulse—The Element of Ecstasy—Passive Resistance—War in Art—The Relaxation Impulse—Social Restraint—Patriotism and National Honor—Summary—Selected References.

CHAPTER

XVII.	THE TASK BEFORE US.....	Page 356
	Industrial Reconstruction—Freedom of the Individual—Modification of the Mores by Education—Weaknesses of Internationalist Education—Education Along New Lines—The Appeal to Virile Emotions—Courage and Internationalism—Education in Ethics—A Change of Emphasis—The Tabu—Negative and Affirmative—Instincts the Fundamental Forces—The Anti-War Instincts—The Instincts and Modern War—The Necessity of Propaganda in War—Summary—Selected References.	
XVIII.	THE OUTLOOK	Page 378
	APPENDIX I	Page 381
	Covenant of the League of Nations—The High Contracting Parties—Membership and Withdrawal—Executive Organs—Assembly—Council—Voting and Procedure—Secretariat—Seat, Qualifications for Officials, Immunities—Reduction of Armaments—Permanent Military Commission—Guarantees Against Aggression—Action in Case of War or Threat of War—Disputes to be Submitted to Arbitration or Inquiry—Arbitration of Disputes—Court of International Justice—Disputes Not Submitted to Arbitration—Sanctions—Disputes with Non-Members—Registration and Publication of Treaties—Review of Treaties—Abrogation of Inconsistent Obligations—Engagements that Remain Valid—Control of Colonies and Territories—Social Activities—International Bureaus—Promotion of Red Cross—Amendments.	
	APPENDIX II	Page 395
	Member of the League of Nations—States Invited to Accede to the Covenant—Members Later Admitted to the League, with Dates of Admission.	
	INDEX	Page 397

CHAPTER I

HISTORIC FORMS OF INTERNATIONAL GOVERNMENT

Primitive Society

There are few, if any, traces of individual anarchy among the gregarious animals from which it is probable that man evolved. Only solitary creatures could be a law unto themselves, and the horde doubtless possessed always a rough organization for co-operation and restraint. Says Ratzel,¹ "No race is without political organization, even though it be so lax as among the Bushmen. . . . What sociologists call individualism has never been found anywhere in the world as a feature in any race."

We can envisage with fair distinctness, on the other hand, a time when control between hordes was non-existent, tabooed practices applied only to the home-group, and complete anarchy prevailed in inter-tribal matters. Among the American Indians "peaceful intercourse stopped at the frontier."²

War occurs in primitive society upon various occasions for dispute, the murder of a chief, the stealing of horses, the elopement of women, or a disputed title. Group solidarity often requires the entire tribe to avenge the injury of a member by an outsider, thus

¹ *History of Mankind*, vol. I, p. 129.

² *Ibid.*, p. 186, vol. II.