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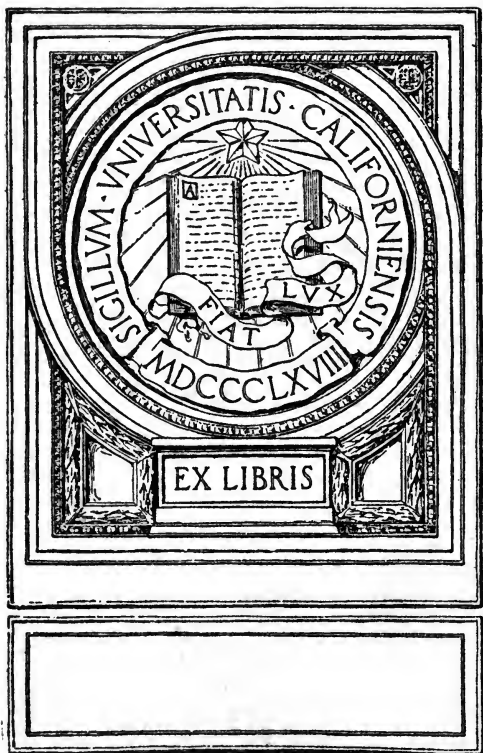


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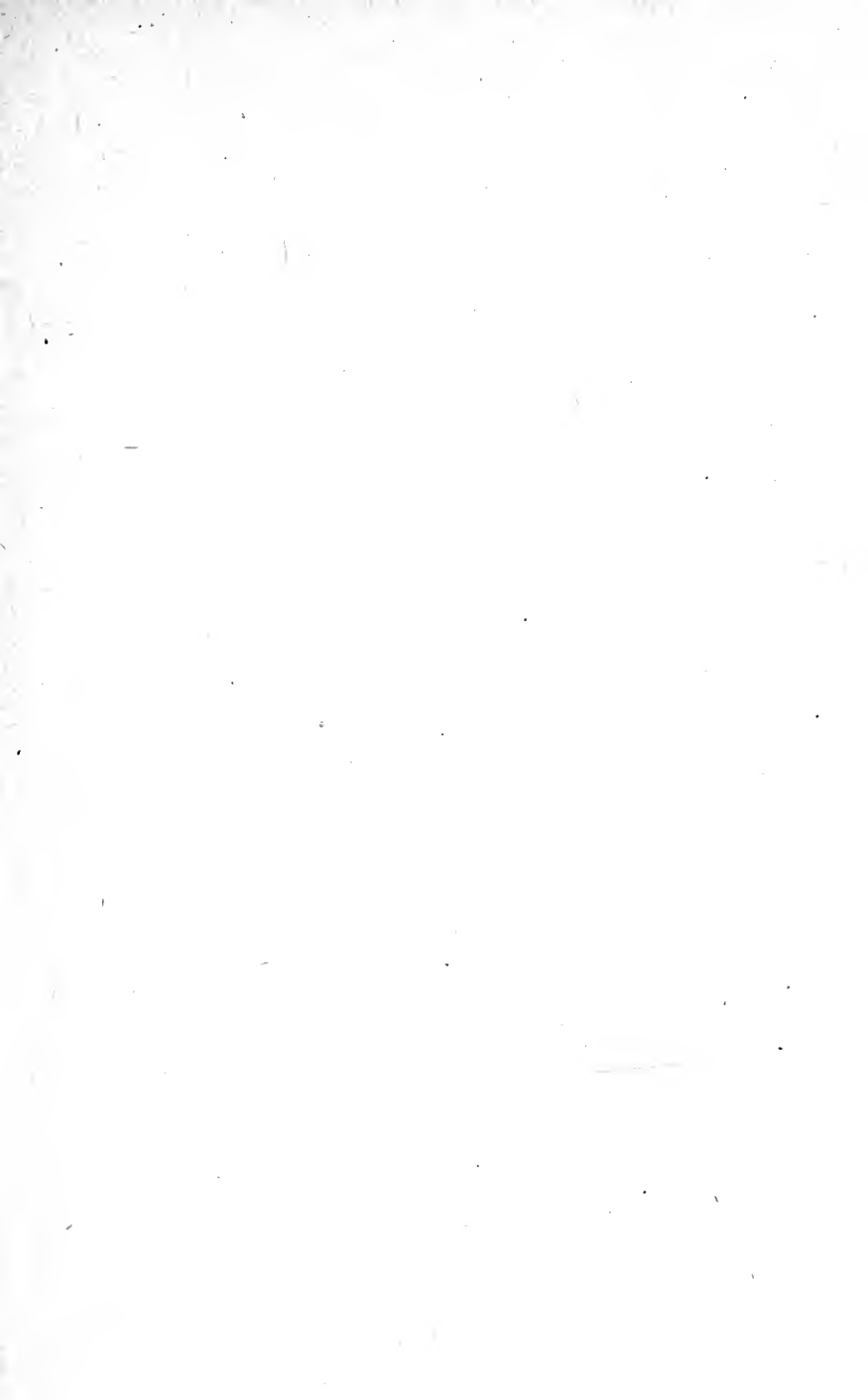
# BELGIUM AND GERMANY

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LABBERTON



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# BELGIUM AND GERMANY

A DUTCH VIEW

(DE BELGISCHE NEUTRALITEIT GESCHONDEN)

BY

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## TRANSLATOR'S PREFACE.

**T**HERE seem three excellent reasons for making accessible to American readers this little study written in a relatively inaccessible tongue.

1. It is fundamentally a study of those philosophic ideas which will have to be mastered before mankind shall be able to pronounce a rational and just verdict on the present crisis. And there is as yet, in the midst of the world's anger, amazement, prejudice, and re- crimination, all too little common effort to master them. The moral feeling of the whole human race was probably never before so profoundly alive as since the beginning of August 1914; but this excess of moral feeling, though it must in time deepen our insight, as having so deepened our experience, seems for the present to render moral thinking well-nigh im- potent. The new materials, the new emotions, are too overwhelming for the needful new formulations; and, because as intellectual beings we must find some artic- ulate expression, something with subject and predicate whereby to objectify the inner stir, we have instinc- tively recourse to the old formulations. But this won't do forever. Our present routine application of moral

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formulas is not thinking at all, certainly not moral thinking. The formulas as such may be as valid as the binomial theorem; they may be founded in the moral consciousness, and tested in the racial experience: but, if their symbols do not represent the facts, they can only confuse and retard. But some of the formulas themselves may need revision: it is not by any means certain, for instance, that all maxims of hoary antiquity, even when cited with approval by the leading American weeklies, are the last word on righteousness in this world-war: they may be a downright libel not only on righteousness but on common sense—for in nothing is the race slower to see and to revise than in its “proverbial philosophy.” Dr. Labberton has made in two ways a conscientious effort to think: he has tried to realize the *data* in their individual, concrete reality; he has tried to work out *formulas* that shall truly interpret the data and truly satisfy the moral reason. I do not say he has altogether succeeded. I say only that he has tried; and that his effort should help,<sup>1</sup> if only in a small way, to dissipate the present moral paradox of a morally bewildered world *cocksure* of its moral judgments.

<sup>1</sup> Note, too, Bertrand Russell's *Justice in War Time*, Open Court Publishing Co., 1916. But the most notable indication that our powers of moral thinking are coming back to us is to me John Dewey's masterly essay “On Understanding the Mind of Germany,” *Atlantic Monthly*, February 1916, though, if space permitted, a number of other excellent publications might be mentioned that have appeared since the paragraph in the text was written—very different in insight, poise, and breadth from the astonishing superficialities of several very distinguished Americans—*stant nominum umbrae!*—in the first year of the war.

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2. It is a study by a citizen of a neutral country,<sup>2</sup> and, moreover, a neutral country which is in closest relationship of all neutral countries to the belligerents chiefly concerned in the discussion. I refer less to the close physical relationship, though this must play its vital part in bringing home the fearful realities of the war,—than to the still more important spiritual relationship. The educated Hollander—and Holland is a country of highly educated men and women—knows the literature, politics, and social life, through travel and study, of France, Germany, and England, as well—it is safe to say—as the average educated American knows any one of these three characteristic manifestations of any one of these three countries. And Dr. Labberton represents, moreover, a phase of the Dutch reaction to the present events. More than one Dutch writer has recently expressed (to use Labberton's perhaps irritating expression) his "personal faith in Germany's vocation"—"*persoonlijk geloof in Duitschlands roeping.*" And granted that this faith has yet to be justified, the significant point is that it

<sup>2</sup> Labberton is a doctor of law and a doctor of political economy from the University of Groningen, where he was a pupil of the distinguished philosopher Professor Gerh. Heymans to whom his book so frequently refers. Mr. (= *meester in de rechten*, master of laws) Labberton is now an official of the Dutch government: chief of the third division of the provincial record office of Zeeland. His home is in Middelburg in Zeeland, near the Belgian boundary. Under the pseudonym "Theodore van Ameide" he has published three volumes of verse, which have been accorded high praise for thought, feeling and beauty of phrase and rhythm: *Lof der Wijsheid*, 1906; *Verzamelde Gedichten*, 1912; *De Balkanstrijd*, 1912. The present work is an admirable illustration of the fusing of the poet's insight with the discursive reason of the logical thinker.

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exists in thoughtful Hollanders (as in thoughtful citizens of other neutral countries) like Dr. Labberton,—who are not physically or spiritually in the pay of Germany. And this is of at least equal significance with the faith in the moral debasement of Germany which has become almost a religious cult in some intellectual circles in America. Presumably it would be hard for either party to give altogether convincing reasons for its faith; but there can be no doubt as to which party has on the whole the advantage in the prerequisites of knowledge, reflection, and poise.

3. It is a study by a foreigner well read in German literature. This is of even greater significance than at first appears. Roman literature, for example, began and ended as an exotic flower, at its best symbolizing, as in Virgil, an imperial ideal of a small, aristocratic cult, or giving utterance, as in Catullus, to elemental personal passion. Or again, English literature, the most comprehensive, rich, deep, and harmoniously unfolding literature of mankind, has been the creation, as it were, of a long hereditary line, withdrawn, almost like the Egyptian priesthood, from the rest of the workers; even when it has interpreted its people it has not been essentially of its people. It is a world, a wonderful world, but largely a world in itself, less national than universal in ideas, beauty, and power. And American literature seems, in the main, at its best an integral part of this hereditary line. But more than any literature with which I am acquainted, more even than the Italian, French, or Greek, German literature is the organic, inevitable outgrowth and expres-

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sion of the folk mind and heart. It is peculiarly *the* national literature,<sup>3</sup> as English is peculiarly the international, "the world-literature." It is not to the point here to balance the intrinsic merits of each type: obviously the former will exert less influence outside its own national boundaries than the latter, and will need from time to time sympathetic foreign mediators, like Madame de Staël or Carlyle. But it is much to the point to emphasize that in the present crisis no one not spiritually well-read in German literature, so pre-eminently the reflection of the German spirit, can speak with the requisite wisdom on the Germany of yesterday, of to-day, and (presumably) of to-morrow, either in its temperament or in its institutions, or above all in its moral ideals of state and personality.

Thus the translator asks a hearing for this Dutch presentation. He does not stand as official sponsor for its statements or reflections. As an American of entirely English descent, some things have cost him a kind of ancestral pain in the translation. But this is a time when all honest and thoughtful men should be accorded honest and thoughtful attention. If England, or rather a very small and very closed group in Downing Street, is proven culpable, it may grieve us, as it grieves some of us to-day to find America departing

<sup>3</sup> I mean, of course, "national" literature in an ethnic, not a political sense, as voicing with peculiar intimacy the customs, words, thoughts, and all the manifestations of life we call German. The fact that Goethe and Herder, for instance, preached the *ideal* of a world-literature, and the fact that the Germans absorb so readily the literature of other countries are to me really no disproof of the contention: these very phenomena reflect a characteristic element in the German *outlook* on the world.

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(as it seems) from her best rational and moral ideals; but it would not be honest or thoughtful for us to spare ourselves the possible grief by refusing to inquire, impartially and fearlessly, for ourselves, or by refusing to grant, yes and to further, freedom of inquiry and speech for others.

We must say with Aristotle (in the *Nichomachean Ethics*): "Friends and truth are both dear to us, but it is a sacred duty to prefer truth" [i. e., what seems truth to us]. And whilst millions of men are suffering pain, sorrow and death across the seas in defense of what each believes is the truth, shall not we be willing to risk something? For this greatest and most tragic of all wars is essentially a war of ideas;<sup>4</sup> and in this sense it is and must be, a "world-war": in which every man of ideas, outside the physical belligerents, must sooner or later play his part—let us hope, a manful and chivalrous part.

WILLIAM ELLERY LEONARD.

<sup>4</sup>The Swede Steffen finds it a "war of imperialism," the Englishman Russell a "war of prestige," and others stress one or another economic or political factor; but back of all lay from the beginning unreconciled (not necessarily irreconcilable!) worlds of thought, which *have become more and more consciously conceived and developed* as the war has gone on. Nor are the thought-elements *mere* "afterthoughts"—as if merely the belated effort of man's intellect to give some respectability to man's brutality. But this calls for a chapter—not a footnote.

## NOTE.

Acknowledgments must be made to Mr. B. Q. Morgan and to Mr. Arnold Dresden (formerly of Amsterdam) for help in the translation, and to my wife for some drudgery in the preparation for the press. Mr. Friedrich Bruns kindly assisted in collating the English proof sheets with the proof sheets of the German translation (by Frl. Dr. Johanna Rügeberg, Berlin, Carl Curtius, 1916, under the title *Die sittliche Berechtigung der Verletzung der belgischen Neutralität*, with an introduction by Prof. K. D. Bülbring), which, as having been personally revised and improved by Dr. Labberton, is in effect a second edition. I am, however, responsible for all defects; but, with the exception of slight condensations—amounting altogether to a page or so,—I trust I have rendered the author's ideas and style as nearly as is practicable in a language so radically different in atmosphere and structure. My few notes—chiefly explanatory of the text—are in brackets. The more important of the numerous quotations from the prose of other languages (French, German and Latin, besides English), always given by Labberton in the original, appear in this edition as Englished by the translator of the Dutch. Verse, with one exception, is left untranslated.

W. E. L.





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"The peculiar virtue of the German has from time immemorial found expression in his tendency to solve acute practical questions in connection with the profoundest principles and thus to unite the temporal and the eternal."—August Dorner, *Politik, Recht und Moral mit Beziehung auf den gegenwärtigen Krieg*, p. 1.

OF the tremendous historical events which it is to-day our privilege to witness,—a privilege but seldom duly appreciated,—there is perhaps none of such far-reaching significance as the fate that has overtaken Belgium. For this makes a strong and immediate appeal to the moral consciousness; and virtually compels a moral judgment of vast scope and range. The first impression is, undoubtedly, in the highest degree unfavorable to Germany, and England has left nothing undone to strengthen and confirm that impression. Her statesmen, excellent and clever judges of human nature, know well enough that for most people first impressions are lasting impressions, that the mass of mankind can

neither see nor think, and that nothing is so sure to take effect as an appeal to its ethical instinct, at least in the business of shaping that usually rather external phenomenon known as public opinion. It is truly extraordinary how hugely virtuous we all are in our public judgments of others, and especially on paper. In the inner reality perhaps our moral sense turns out to be a rather small affair; in the marketplace righteous indignation commonly prevents reflection.

I see no *risque d'honneur* in the confession that I myself was in the beginning somewhat under the influence of the English presentation of the case: even so cautious and discriminating a critic as Professor Heymans<sup>1</sup> seems to imply Germany's crime when he refers to the justice of the Belgian cause on page 8 of his brochure, *De oorlog en de vredesbeweging* ["The War and the Peace Movement"]. Yet I soon felt how improbable, after all, it was that a great people like the Germans should really be sunk so low. Thus, too, I soon felt it my duty to investigate and test my initial judgment. With the publication of that investigation, I desire to do my modest part in the service of truth and right.

<sup>1</sup> [The distinguished philosopher at Groningen.]

I.

THE English bill of indictment (English "White Book," No. 159) has it that Germany refused to abide by a treaty "to which Germany is as much a party as ourselves."<sup>1</sup> The reference is to article 7 of the London treaty of 1839, whereby, with England, France, Prussia, Russia, and Austria as guarantors, Belgium was declared to be an independent and permanently neutral state, on her part obligated to preserve her neutrality toward all other states. When this treaty was concluded, its primary purpose, the direct outgrowth of preceding historical events, was to prevent France from sending her troops through Belgium; in so far, the treaty took the place of the Barrière Treaty, which had controlled the situation during the eighteenth century. Furthermore, it is worth noting that this principle was established, not in the interests of Belgium, but in the interests of the great powers.

This is recognized by such unimpeachable witnesses as the authors of *Why We Are at War*, Ox-

<sup>1</sup> [Cited by Labberton in Dutch, and retranslated.]

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ford, 1914: page 13, "for the convenience of Europe"; page 14, "It was in their interest, rather than her own, that the great powers made her a sovereign independent state."

Under the stipulation Belgium acquired only duties, no claims of her own. The powers pledged themselves simply *to one another*.

When on the second of August, 1914, Germany requested Belgium to permit the passage of the German army into France, Germany was already at war with two of the guarantors, Russia and France, and in most strained relations with the third, England. In his admirable book, *Bijdrage tot de wordingsgeschiedenis van den grooten oorlog* ["Contributions to the History of the Origin of the Great War"], M. P. C. Valter says (p. 62) that under the existing circumstances the treaty must be considered as nullified *ipso facto*. Moreover, he seems to be practically of the opinion that the treaty, on the ground of its original historic intention, was binding for France, but not for Germany. But I think his pro-German zeal has seriously misled him in both points. Inasmuch as Germany and France were now in a state of war, all treaties between the two countries were, according to the established law of nations, thereby nullified, and among them the treaty of 1839. But Germany was not at war with England on the 4th of August, and the fact that war was imminent has no bearing on the status of

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treaties. Thus there existed on the 4th of August a formally valid treaty obligation on the part of Germany toward England to respect the neutrality of Belgium; nor is this altered by the historical intention of the agreement, since the terms were entirely general. This obligation was not fulfilled by Germany.

It is solely upon this illegality that England rests her case. Read the first chapter of *Why We Are at War*, and you will see that nothing else, literally nothing, is adduced to buttress the accusation. The formal violation is affirmed, and the comment immediately follows: "It is unnecessary to elaborate further the point of law" (p. 19).<sup>2</sup>

<sup>2</sup> The Belgian Minister of State, J. van den Heuvel, confines himself to an equally bare formal treatment in his pamphlet, *Het schenden van de Belgische neutraliteit*, and similarly the Parisian expert in international law, André Weiss, *La violation de la neutralité belge et luxembourgeoise*; further the American, James M. Beck, *The Case of Belgium*, Dutch translation by W. de Veer and H. W. Massingham, *Waarom Engeland België te hulp gekomen is*.

## II.

NOW there is surely something more to be said; but we must delve deeper. That the situation of August 1914 was in every respect totally different from that of 1839 when the treaty was concluded, will presumably be conceded without further argument. For any one who consistently supports the doctrine that any treaty is alone valid under the unexpressed, but well understood, conditions, *rebus sic stantibus*, Germany's further obligation is obviously canceled. But this doctrine is itself unsatisfactory to me.

The question of the binding power of treaties is in my opinion not a legal, but a purely ethical one. If we ask ourselves, what is the relation between law and morality, we arrive at something like the following. In law we find, first of all, a great substratum which is mere organization, social technology, arrangement and rule—for such there must be. Here belongs first of all, though by no means alone, all that lies within the wide compass of merely formal law. This part of law is ethically indifferent.

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Next come those legal provisions which, with reference to family and property (civil law), and to personal conduct (criminal law), insure an *ethical minimum*, that is to say, such small degree of (outward) morality as the community must demand of its members for its very existence and for the possibility of the development of a free and higher ethical life, and hence cannot afford to entrust entirely to the uncertain workings of the individual moral consciousness. We do not need to assume a special "legal consciousness" to explain the existence of this part of law; we have here merely our common moral consciousness plus the necessity of establishing a minimum, if need be by compulsion. The "legal consciousness" is in fact nothing but the "moral consciousness" operating in the spheres of life here under consideration.

Who gives law its compelling character, its power? The state. But what assurance is there that the state will put its power at the service of the true, the morally just law? With this question we come upon the deepest problems of ethics and the philosophy of law, which it is impossible to enter into here. Suffice it, that there can be no law, unless there is some power to insure its operation. That we often seem to doubt so elementary a truth, is due, I believe, simply to the ambiguity in the use of the word right [*recht*], which means now the positive, statutory

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law, and now the desired ideal.<sup>1</sup> We must realize clearly that there is but one law [*recht*], the positive law, and that the Right [*Recht*] in the sense of the ethically just, the ideal right, belongs not to this actual world but to the realm of ethical ideals, unless that Right be incorporated in the positive law—which is possible but by no means always the case.

And now the so-called law of nations. Here, too, there is first a part which is merely organization, as the law of envoys and the rules governing the formal validity of treaties. It is ethically indifferent; it depends on custom and agreement; and, because it is of such importance and conflicts with no specific interests of state, it is strictly and quite voluntarily observed by all parties. In the second place come all those arrangements undertaken by sovereign states with respect to concrete interests,—for instance the use of Belgian territory for purposes of war. These treaties we cannot call contracts in the legal sense, since there is no power on earth that looks after their fulfilment. They are best to be compared to the voluntary promises made to each other by individuals, the fulfilment of which is not a legal but a moral duty. The punishment for non-fulfilment is in the main moral condemnation,—the

<sup>1</sup> [The ambiguity in English, though analogous, works out a little differently. We don't use "right" (Dutch *recht*) in the sense of statutory law.]



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weight of which, even practically, must not be underestimated. It is on this account important to emphasize the exclusively ethical character of the obligation, since it will then follow that, as to the scope of our obligations, we do not have to resort to legal reasoning (based, for instance, on the conception of sovereignty), but have to turn exclusively and directly to our own unmediated ethical understanding.

In the third place, there are all those formulations of moral rules of conduct, with respect to a given subject matter, as the Hague conventions of 1907 and the declarations of Paris and London concerning the law of naval warfare. Here, too, is not a trace of legal compulsion: they are but moral codes. At least that is what they pretend to be, often for a fact quite unwarrantably, as in the case of the law of prizes at sea, where the stronger party simply formulates its will, or, again, where inexperience and illusion set up as rules of conduct what are still very remote or in practice absolutely impossible ideals.<sup>2</sup> International law differs from national, in addition to the absence of compulsory power, chiefly in the fact that it gives not an ethical minimum, but *the full measure of what is regarded as moral*: it is the codified morality of states, with all the advantages

<sup>2</sup> The almost childlike disappointment of Prof. A. A. H. Struycken in *De Oorlog en het Volkenrecht* results exclusively from this overestimation of the actual content of the rules above referred to. Cf. Steinmetz, *Philosophie des Krieges*, pp. 333-334, and Dragomirof, *Les lois de la guerre* in the publications of the Vereeniging voor Krijgswetenschap, 1897.

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and all the great disadvantages involved in a codification of what is essentially *freedom*.

Our question is now : what binding power is there to international agreements of the kind mentioned under point (2) ? Does the moral consciousness demand that the agreements be lived up to ? The question runs exactly parallel to this : does the moral consciousness demand that individuals keep their promises ?

### III.

IT will perhaps be asked,—although I have affirmed only a parallel, not a likeness,—if states in their intercourse may be morally judged exactly as individuals. The question usually amounts to this: whether politics have actually anything to do with morals. For the answer I would merely refer the inquirer to the moral consciousness itself, which appears to react indubitably upon the actions of states in quite the same way as upon those of individuals. This is the gist of the matter—*ab esse ad posse valet conclusio*. (For the rest read in the first part of von Treitschke's *Politik* the fine chapter on the relation of politics to morality, which will serve, moreover, to give one a just estimate of the current craze for decrying this writer—and with him virtually all Prussia—as suffering from complete moral atrophy. I present below, by the way, some objections to his reasoning.)<sup>1</sup> At

<sup>1</sup> Compare August Dorner, *Politik, Recht und Moral mit Beziehung auf den gegenwärtigen Krieg*, a most instructive little book. Indeed it is generally very striking how much higher the German war-literature ranks than the English and French.

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the same time it will appear later that in some cases a judgment on the actions of states will necessarily turn out otherwise than a judgment on individuals—a difference, moreover, which to some degree explains the origin of the notion that politics and ethics have no relation with each other.

How then does our moral consciousness operate? What is the *object* of a moral judgment? What *conditions* must be fulfilled in order to pronounce a moral judgment?<sup>2</sup>

That which is essentially judged is never the act as such, but the character which thereby reveals itself. Therefore, the first condition for pronouncing a moral judgment is that the act be fully known and clearly realized in its distinctive concreteness, with all the motivating circumstances; the second, that the case in question be of a kind that admits a trustworthy deduction from act and motives as to character. Such is not the case—according to Professor Heymans,<sup>3</sup> pp. 65-81—when physical force or loss of consciousness has wholly unlinked the character from the chain of causes of the action; it is in a smaller measure the case when psychical force or undue persuasion has introduced overpowering motives, or when immature years, mental weakness, or an overpowering emotion renders the psychic

<sup>2</sup> Cf. Heymans, *Einführung in die Ethik*, pp. 33-138.

<sup>3</sup> *Einführung in die Ethik*.

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course abnormal, so that the common assumption, that all the circumstances were known to the persons acting and as motives influenced their decision, no longer holds good. Furthermore, provocation, temptation, intoxication, hypnosis, seduction, one-sided training, are all named in this same connection. Finally there are various cases of psychic aberrations. All is to be eliminated which does not belong to "the true nature of the personality willing, the fundamental law of one's nature, the measure by which one appraises the various ultimate aims of the action, in short, one's character."<sup>4</sup> All factors in the action which do *not* belong to the *character* are, for a moral judgment, quite indifferent.

Therefore, if a state in its acts is to be judged morally, it must be a "person"—"human beings or entities conceived as like human beings" (Heymans, p. 34)—with a definite "character." This is certainly the case. What is the state, when we attempt to grasp its essential nature, apart from all theory, but one phase of the folk itself, namely, the practical, acting side of the folk-life, combining as a unit, in order to conduct as a unit its activities at home and abroad. The state belongs altogether in the sphere of the practical will. In this sphere the moral ideal prevails as the directing aim. From this follows inevitably the moral vocation of the state, expressing itself in the realization of justice both in its internal

<sup>4</sup> Heymans, *loc. cit.*, p. 81.

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and in its external affairs. Its conduct abroad toward other states in diplomacy and war is in the end also nothing but the realization of right—a realization in that unending process of the historical development of the mutual relations of the various peoples which, as in agreement with their *worth*, is exacted by the moral ideal.<sup>5</sup> From this it follows, moreover, that the state has no actual governing vocation in theoretical fields (science, religion): it can *promote*, but it cannot *direct*. Its exclusively practical power does not extend into our inner life.

The state is, therefore, the centralized practical power of a people, a *might*, which can set for itself all conceivable practical ends, but which, in and beyond these, sets itself, as prompted by its very nature, at the service of the moral ideal, and, in so far as it strives through that power to realize morality, creates law and right.

It is, therefore, beyond doubt a person with a moral vocation and its character can and will be judged according to the measure with which it fulfils that vocation. But the moral judgment must, as always, reckon with all the factors, which in every concrete case have to be taken into account in order to draw any certain conclusion from an action as to character. There exists no moral code, no set

<sup>5</sup> Read the fine reflections of Reinhold Seeberg on "Das sittliche Recht des Krieges" ["The Moral Right of War"] in the *Internationale Monatsschrift für Wissenschaft, Kunst und Technik*, Nov. 1, 1914.

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of rules, from which we can deduce, according to specific law, whether any given action is good or bad. The moral consciousness knows no good or bad actions; it knows only good or bad characters. One and the same action can be at one time approved, at another condemned,—all depends upon a full knowledge of the given case, its concrete delimitations, its various attending factors. *Cum duo faciunt idem, non est idem.*

Now what factors come especially to the fore in a moral judgment on a state, as distinct from a judgment on individuals?

If we bear in mind the elements, previously summed up, which hinder or complicate the deduction of character from an action, we will see plainly that the first, the subjective, prerequisite of a just judgment—full and complete knowledge on the judge's part of the given case in all its concrete delimitations—is far more difficult to realize in regard to the actions of states than in regard to the actions of individuals. Moderation and caution are thus a primary requirement,—always, but here in particular. “Judge not, that ye be not judged,”—that is, that your judgment itself may not appear an ethical offense. It is here especially that a clear, impartial, objective alignment of *all* the elements of the given case will be hampered in the judge's mind, for strong sympathies and antipathies, or the interests

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of one's own country, necessarily lead to a one-sided sifting of the data.

And there is another disturbing influence, the gigantic dimensions which the results of a state's action can take on, and the tremendous power with which these results can affect the emotional side of our personality. This, too, may vastly contribute to confuse our vision and thus to render a complete survey of the whole well-nigh impossible. We are, indeed, all too much inclined to let our attention dwell alone on the most emotional complex. Because of that one decision resolved upon by Germany, we now see all Belgium in a situation which no man with human feelings can look upon without a bleeding heart, quite aside from the causes and the question of guilt. Yet we must possess in our mental make-up something more than a bleeding heart, in order to reflect—or at least after a spell to begin again to reflect—that the matter has still other aspects. And our chance for a correct judgment is still slighter when our mood becomes interesting for its own sake and flatters our vanity—the essence of sentimentality.

All this concerns, however, entirely the subjective conditions of a right judgment: it is in no sense asserted that an action of a state also differs objectively in its moral aspects from the action of an individual. If we consider the objective factors, it can then be said, I think, that overpowering emo-



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tion, provocation, temptation, and one-sided training often play a big role in causing the actions of states, and thus in fairness deserve to be taken into account.

In the same connection the psychology of the mob should be reckoned with, in so far as a strong and homogeneous public opinion can reduce a state and its instrumentalities into a condition of psychic compulsion or undue persuasion. It seems to me both theoretically unsound and practically much exaggerated to treat the state, as does A. Christensen in *Politik und Massenmoral* ["Politics and Mob-morality"], 1912, as itself nothing but a "mob," and to explain thus the often low moral level of its actions. The will of the state is for me the more high, abiding, reasoning folk-will, *la volonté générale*, purified of the baser alloys which characterize the decisions of the will of the mob, *la volonté de tous*; precisely as in individuals a lower natural will is to be distinguished from the higher spiritual will that obtains *when they put on the brakes*. The question as to the best—or least bad—form of government is in part the question how this putting on the brakes can, in the large, be best accomplished.

The power exercised by public opinion upon the will of the state must not be overestimated. In the first place it is usually divided against itself and

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thus neutralized in its operation; secondly, it is in part moulded by the instrumentalities of the state itself in harmony with the state's own purposes. Note what is at the present moment taking place in Italy and the neutral Balkan states: despite all outcries, the governments are calmly going their way. Only when the matter to be judged is so vital and elementary that an entire people forms instinctively one common opinion does the pressure become irresistible (as the German opinion of England's attitude). But then we have again a parallel with another phenomenon in individuals: sometimes in a supreme moment a deep vital instinct, above and beyond the discursive reason, can and must lead the way.

But now how are we to explain the fact that a state's morality is lower than an individual's? It seems to me that we would do well to examine first whether or no the fact is in reality as asserted, and then whether or no certain errors of observation have been committed here. We should not forget that the actions of a state, far more than those of private persons, lie open to common view and by their very magnitude inevitably attract our attention. I venture to doubt for my part whether the naturally sinful heart of man, in its secret deeds and desires, rises so very far above the level of states. We must not confuse theoretical and actual morality.

Further, in all these objective factors it is as yet

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altogether only a question of quantitative differences from the judgment on an individual. If the state is properly to lay claim to essentially qualitative differences, there must be adduced some constant element which distinguishes it as an agent always and everywhere from the individual. Von Treitschke believes he can adduce such an element. For him the essence of the state lies in *power* [*de macht*], and concern for its power is its highest, its absolute duty. He adds, however, "that the acquired power must justify itself, by being used for the highest moral good of mankind" (*Politik*, 1897, I, p. 91). It appears then that the way in which the power is *acquired* is, according to von Treitschke, ethically indifferent; and that only the way in which it is *used* is subject to ethical judgment. The state in its actions is thus continually, or at least a good part of the time, virtually in a *moral conflict*: all further duties have to give way as soon as they clash with "the unconditional duty of self-preservation" (p. 103). "A sacrifice for a foreign people is not only not moral, but contradicts the idea of self-affirmation [*Selbstbehauptung*], which is for the state its highest ideal." I believe I may say that this theory, as here so broadly and absolutely presented, is condemned by the unmediated moral consciousness, although it seems only too often to be in accord with the actual practice of states. The theory is also logically unsatisfactory. It is itself contradictory

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to the definition of the state given by von Treitschke himself, namely: "a people rightly united as an independent power." In the definition the people is properly made primary, not the power. The state is a phase of the people; the power is its attribute, not its being. That the preservation and acquisition of power is the direct outgrowth of its nature is thus not true. The people that, in and through its state, makes power the end to which all else is subordinated acts not through necessity, by virtue of an inescapable organic impulse, but simply out of pure egotism, and hence not morally. The assurance that the might so acquired is to be used in the service of morality does not seem then the most certain. Indeed, the ethical vocation of the state appears to be, in von Treitschke's exposition, without inner connection with its nature.

An individual, says von Treitschke, may sacrifice himself for something higher; but in the case of the state there is nothing higher. Yet how comes it then that the state too is morally bound? The moral ideal is after all higher than the state. And for the individual one could prove in the same manner that the duty of self-preservation is "unconditional" [German, *unbedingt*]. The state is the united will of the people and as such a concentration of power; and no less is the practical part of a vigorous, strong-willed personality a center of energy, an independent power inside the boundaries of law. Does it follow

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then that the power has the moral right to permit itself unrestrained exercise inside those boundaries, regardless of what its purposes may be? The moral consciousness is not for a moment in doubt: the answer is a decided negative.

And therefore the duty of self-preservation is in the end likewise for the state not "unconditional," since the state is in reality nothing but one of the forms in which the population of a definite territory lives its life. If this state, if this form vanishes, not so the folk. It is even quite possible that it will find, in other forms—say, as a part of a greater state—much better advantages for the practical, moral side of its being. This is convincingly evidenced for instance in the absorption of the numberless little German states into the German Empire. Is it likely that von Treitschke himself would ever have meant that the little states before 1870 had an "unconditional duty of self-preservation"—he who proclaimed, with a measure of truth, a small state as "something ridiculous"?

Yet the theory has in my eyes a large kernel of truth, which comes to light when we apply the necessary limitations. At the same time, it will appear that even the element which we are to get at in this way creates no qualitative difference between the judgment on a state and the judgment on an individual. Before going further into the matter—

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a discussion better deferred to a later chapter—let us now return to our question, which I hope has not been lost sight of in this long but unavoidable digression: what is the binding force of promises? Is it unlimited, or are there restrictions?

IV.

**A**T first glance one will presumably be inclined to call this force unlimited. "A man a man, a word a word." But Faust, when on the point of closing his bargain with the devil, says, as a written guarantee is demanded of him:

"Ist's nicht genug, dass mein gesprochenes Wort  
Auf ewig soll mit meinen Tagen schalten?  
Rast nicht die Welt in allen Strömen fort,  
Und mich soll ein Versprechen halten?  
Doch dieser Wahn ist uns ins Herz gelegt;  
Wer mag sich gern davon befreien?  
Beglückt, wer Treue rein im Busen trägt,  
Kein Opfer wird ihn je gereuen!"

Is it not clear from these words that Faust, in spite of the high ethical worth of "good faith," yet feels this life-long promise as an unnatural, an unjust compulsion? And shall we not, in spite of his further asseveration,—

"Nur keine Furcht, dass ich dies Bündnis breche,  
Das Streben meiner ganzen Kraft  
Ist grade das, was ich verspreche,"—

still be able to call the whole poem, among other things, the story of how in the end, notwithstanding

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the fulfilment of the stipulation, the devil nevertheless did *not* get his share, since, not Faust, but the moral order of the universe itself, prevented such an outcome?

One need not look long in the modern literature of scientific ethics for a definitive treatment of the problem. One will find it in that justly popular book of Th. Lipps, *Die ethischen Grundfragen* ["Principles of Ethics"], pp. 152-167. Following Kant closely in the essence of the matter—and in his results approximating the position of Professor Heymans—Lipps has formulated as the highest maxim: "So act that you can be true to yourself"—which is, as he immediately adds, not the same as "Always remain true to yourself." Were we rationally and morally perfect, then we could and might be always true to ourselves. But we are frail creatures, and thus in some later, riper period, loyalty to ourselves may have to give way before the higher loyalty to truth and right. Even with respect to ourselves we must be able to say: *Amicus Socrates, sed magis amica veritas (et virtus)*. In such a case of disloyalty one can deserve moral blame, yet "not on account of the disloyalty, but solely because I so acted that I *had to be* thereafter untrue to myself, that is, because I had promised or sworn what *I had no right* to promise or swear" (p. 153). In such a case for one to remain true to



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oneself would be to add a still greater wrong to the one already committed.

Two factors combine in the non-keeping of promises: The one is to be observed in *the abandoning of a previous opinion or judgment*, the other in *lying*.

An opinion once held has its after-effects within us, and forms the tendency to perpetuate itself. The realization that it must be given up balks that tendency. This is painful; we are ashamed of our error,—all the more, the more it is our nature to be loyal toward ourselves. There is in us an inertia, a holding to the past, a “loyalty,” however different its strength in different individuals. (I call attention here to the concept of the *secondary function*.) In this loyalty there rests something valuable, a genuine force. Yet this becomes a weakness, when it leads to closing our eyes to the better insight; for then the higher virtue of truthfulness toward ourselves and toward others is wrongfully subordinated to loyalty to the past,—which cramps and shrivels the soul. We then remain true to the poor, narrow personality of an earlier day, kill our sense of truth, and fail to reach the richer, freer, more ethical personality, which we could otherwise have achieved. It may be that we console ourselves in idle self-praise with phrases about the right of our “individuality.” To this Lipps answers (p. 161): “Certainly there is a right of individuality. Every indi-

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viduality has that right in proportion to the measure of the positive human qualities it contains. Every element of strength and greatness in a man is valuable and has its right to its place in the sum-total of his personality. But this means at the same time that all right of individuality is relative, and only *that* personality which is ethically complete and absolutely rich in content possesses an absolute right."

If one possesses the freedom that is ready to abandon the delimited personality of the present in the cause of the richer and more ethical personality with the power of truth, then an unlimited loyalty to one's own past is out of the question—for the very reason that this is disloyalty toward one's own better self.

Lying is also disloyalty toward one's self. For by our speech we ourselves give the hearer the consciousness of our own will, so that he believes and trusts he is hearing our real thoughts in our words. Thus we impose upon ourselves the obligation to say what we think, and, at the same time, by our lying fail to meet the self-imposed obligation. So at bottom we repudiate ourselves, and do conscious wrong to our own self-conscious life. Hence the deep feeling of degradation and shame that accompanies the lie—the deeper, the sounder and more vigorous one's life at the core. Lying is a sign of weakness, of lack of respect for one's self and others; a sign too of superficiality and thoughtless-

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ness, since it seems of no moment to the liar what men believe and know.

But yet is *every* lie such a sign? No. Higher duties may conflict with the duty of truthfulness and gain the upper hand, as humanitarianism and concern for ends of greater worth and range. But even then a lie is a lie, though none the less the moral judgment acquits us. "In lying, too, the real object of ethical evaluation is not the deed, but *the entirety of the mental content*, from which, in a given case, it originates."

Now both factors—loyalty to our own past and loyalty to that trust in our truthfulness which we have ourselves aroused in others—come together in the obligation to keep the promises we have given,

This obligation, therefore, shares to the full the scope of the two obligations which compose it. Here, too, the present can make demands before which loyalty to the past has to yield. Here, too, factors can enter which compel the loyalty and truthfulness toward others to retire before the duties of still higher ethical worth. "If I can, I am in such a case in duty bound to take back my promise in express terms, that is, to remove that belief in my original volition. But if I cannot do this, I must nevertheless perform what I have perceived to be right, regardless of the contradiction of my promise. The condemnation falls then not on the omission of the thing promised, but on the promise itself

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made without sufficient reflection or foresight" (p. 168).

Thus there can exist a moral duty to break a promise: or, more exactly, a higher moral duty can set aside the duty to keep a promise. There is then an *ethical conflict*. We saw how this can arise: neither loyalty toward one's own past nor loyalty toward one's own declarations of the moment is absolutely obligatory. Consequently, both the non-keeping of a previously given promise and the conscious giving of a promise that we do not intend to keep<sup>1</sup> are under specific circumstances morally defensible. The "circumstances" may be comprehended in these general terms: the presence of a still higher ethical duty than that of good faith and truthfulness.

<sup>1</sup> [This is not a logical *non-sequitur*, but a well-considered reference to lying as before discussed.]

v.

WE may now draw some conclusions as to the mutual promises which those persons called states make to each other when they establish a treaty. Whether the case of an ethically defensible conscious falsehood ever appears also in the promises of states, is to me doubtful; yet, in view of the extent to which the complications of the actually possible contingencies inevitably exceed our grasp, is as little to be categorically denied. In any case it is here beside the mark, for the pending suit obviously belongs under the first rubric: disloyalty toward one's own past.

When is the disloyalty ethically defensible? We can now answer: whenever a higher ethical duty renders it unavoidable,—in other words, whenever the living present utters commands of so high and imperative a character that the past and the ethical command of loyalty to that past must give way before them. Does this not amount to the doctrine of the *rebus sic stantibus*? No. That doctrine demands, as it appears to me, on the one side more,

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on the other side less than can be approved by the unmediated moral consciousness, which is here alone the point involved. The point is not that the *status quo* at the moment of concluding the treaty has been changed—for this is a condition which, taken strictly, is in truth being fulfilled all the time, since reality never for two instants remains exactly the same. No, but that change must have originated a higher ethical duty. If, on the other hand, the duty originates *rebus stantibus*, then the treaty-obligation gives way none the less, however much, relatively speaking, things are as they were.

We have already seen this above in Lipps : though one could not and dared not act otherwise, there yet remains in such cases an element of moral guilt ; the guilt, however, attaches not to the action of the moment, but to the promise of the past. Hence, moreover, the requirement that one *shall take back* the promise as soon as possible,—which, in the case of a state, means it shall declare on its part as soon as possible that it no longer regards itself as bound by the treaty.

Now as to these two points, I think we can confidently maintain that the acting state operates under entirely different circumstances than an individual, and thus has a claim to special considerations. We have sought above in vain for a general, a constant *differentia* that should play a part in each moral judgment on the actions of states ; but here we may

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admit such an element in a moral judgment passed specifically on the breaking of treaties. For the great difference between the promise of a state and of a single person is quite obvious. It lies in this, that "the sufficient reflection or foresight," demanded by Lipps for the promise, is in the instance of a treaty often infinitely harder to achieve than in that of an individual promise, as a result, in part, of the far-reaching scope of the state's promise, in part, of the unlimited time for which it is given. No man of sound understanding will take it amiss that Germany in 1839 did not foresee the contingencies of 1914. There can be simply no question here of the heedless awakening of trust; indeed even in most cases of individuals it appears at least doubtful.

Again, as to the second point, the taking back of promises, the state is in an entirely different position from a private person. If Germany had announced a few years ago that in the event of a war she might not be so situated as to respect the neutrality of Belgium, that action, which abstractly and by itself would have been indubitably one of moral grandeur, would have had in practice presumably the most disastrous consequences, in all likelihood bringing on the war itself, and so in the end would have seemed itself morally objectionable, as the product of an exaggerated concern for one's own ethical

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spotlessness. Ethical spotlessness is an ideal of the cloister, not an ideal of historical reality. In order to live and to work we must have the courage to take on ourselves our unavoidable share of the moral guilt, due to the conflicting demands inevitably made upon our frail human nature.

The deciding difference lies, in my opinion, here: that the gradual lapse of a treaty-obligation into the background is the slowly maturing result of an historic process visible to everybody, and thus an occurrence entirely different in its proportions and much easier of recognition than an individual's outgrowing the obligations of his promise. As to a treaty there arises in the end a *communis opinio* that it has had its time, in other words, that the cessation of its binding force is already known and thus no more needs to be made known.<sup>1</sup> An express declaration on the part of the state most interested comes, therefore, immediately under suspicion of being not a simple official notification *pour acquit de conscience* but something quite otherwise—the beginning of aggression.

Therefore: *Germany was not longer bound by the treaty of 1839, if it can be established that a higher moral duty came into conflict with the duty of loyalty to her given promise.* And further: the

<sup>1</sup> Cf. Valter, *loc. cit.*, p. 62; likewise *Why We Are at War*, p. 27.



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duty of loyalty to the given promise is to be reckoned a greater or a lesser, in the measure that the promise deserves to be regarded more or less as altogether obsolete, more or less as given under altogether different circumstances than those now obtaining. (It is here that the *rebus sic stantibus* plays its real part in the whole process of moral judgment.) The more obsolete the treaty the readier we will be inclined to say: the breach is defensible.

But, no matter how obsolete, the treaty is binding, unless it yields to a higher *moral* duty, a morally more justifiable striving than the striving for loyalty to the promise. A moral duty, even when no longer the greatest, can never yield to purely *selfish* ends, without leading ultimately to moral condemnation.

The question now becomes this: can such a moral duty be shown in Germany's case? My moral consciousness answers this question with full conviction *in the affirmative*. Germany found herself on the 2nd of August in the most desperate circumstances in which we can conceive a people to be: supported only by a weaker ally, that besides had to draw off a portion of its forces for use against Servia, she stood exposed to a concentric attack by two great powers and expected at any moment to be compelled to fight England to boot. It was a life and death struggle; and though the duty of self-preservation, of straining all energies for the safety of self, is

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not the highest, we can surely not deny its character as a moral duty, *a duty toward oneself*. I have said already the duty of self-preservation is not an absolute moral duty, not even for states—there are no absolute moral duties—but it is beyond doubt a high, a noble duty. In any case it was more than pressing enough to set aside the old treaty of 1839. And it can hardly be denied that a passage through Belgium is, under the circumstances in which Germany found herself, properly to be judged as the demand of self-preservation. I shall not attempt to give specific proofs, for I would then be trespassing on the terrain of the military experts. I can be content to remind the reader that this is the common opinion of all experts.

I can be the more readily content, since the question whether or not Germany was mistaken in her belief is *ethically indifferent*. Of ethical import are never the circumstances, as such, under which an action took place, *but the circumstances as they were conceived by the acting person and as they helped to motivate his decision*. It is ethically of no concern whether his conception was correct or incorrect. This can lead to a judgment on his intelligence, not to a judgment on his character. Thus even if in the end Germany seems to have deceived herself, the only fact of any weight ethically is that her decision proceeded from the conviction that the passage was imperative for the accomplishment of

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the intended action against France. *Therefore, Germany is not to be condemned morally for the fact that, under the circumstances in which she found herself, she regarded herself as released from the promise delivered to England in 1839.*

Is her line of conduct thereby definitively justified? Far from it. England aside, she had also a duty toward Belgium, and this aspect of the matter has scarcely been touched upon as yet. Thus at the present stage of our investigation we are not ready by any means to acquit Germany. *However, the use made by England of the treaty of 1839 can certainly be ethically condemned.* In all history was ever a nation, struggling under such desperate circumstances, subjected to a more arbitrary ethical demand by another nation—that was besides less ethically warranted in its demand by all the contingencies? Is there a crasser example of the *summum jus, summa injuria* thinkable? Have we ever seen in clearer light to what degree of external righteousness legalistic habits of thought, so-called “law-abidingness,” can mislead men,—until “right”<sup>2</sup> becomes the very instrument of unrighteousness? England’s attitude is here ethically identical with that of the jury-lawyer, who, with the most unruffled composure, suddenly cites a forgotten statute of the good old times, which seems,—quite accidentally of course,—to bolster up his case. We

<sup>2</sup> [*Recht* = “right,” also “law”: see above in text, pp. 7-8.]

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have here in the crassest form the requirement of loyalty to the past: it becomes downright immorality, and chiefly because in the end the loyalty touches only the outward form of the past, not its spirit—for this is long since dead. This leads to the most brutal wrong, under the forms of right.

Perhaps one will ask, why all this discussion? Isn't it all too obvious that the whole appeal to the treaty of 1839 was nothing but a rather transparent pretext on the part of England?<sup>3</sup> I answer that this does not hinder us from critically examining the ethical worth and purport of the appeal, and that such is the more necessary where the appeal has made such an impression. Moreover, that is but just. England has the same right to an impartial examination of her case, and, primarily, of her case *as she herself conceives it*. Only through that examination can it seem certain whether the appeal to the treaty will do or not. And if it will not do, that of itself does not prove it a deliberate, conscious pretext. The legal habit of thought, in the very blood of that people, renders it possible to believe in the good faith of citations of law, which, objectively considered, are of the most dubious quality. It is possible—I don't say I regard it as probable—that Grey and his associates were genuinely

<sup>3</sup> Professor d'Aulnis de Bourouill pointed out in the *Utr. Dagb.* ["Utrecht Daily Press"] of Oct. 26, 1914, that the war-speech of Grey, on Aug. 3, was anterior to the violation of Belgium's neutrality, Aug. 4; Ramsay Macdonald also.

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indignant in the foreground of their consciousness over this devised breach of law. The human consciousness is such a curiously complicated affair that our own real motives may lurk unbeknown in the background, when there is present a complex that of itself presses to the fore by virtue of our accustomed modes of thinking.

In any case, as to a moral judgment on the legal defense conducted by England, we must bear in mind the factor described above as one-sided training, with the accustomed modes of thinking that result therefrom. This element forms a mitigating circumstance not to be overlooked.<sup>4</sup>

The question of conscious pretext or unconscious self-righteousness hovers perpetually before our minds on reading those pages where, at the end of their indictment of "the new German theory of the state" (i. e., von Treitschke's), the authors of *Why We Are at War*, once more sum up their defense of "Great Britain's Case" (pp. 115-117). Under all the fine words, they still have to recognize that it was not alone the menace against Right which hastened her call to arms. "It is true that we are

<sup>4</sup> In passing, note that in 1870 the high-minded Gladstone was far from admitting the absolute binding power of the treaty of 1839. On the occasion of the then concluded special agreements as to the protection of Belgium's neutrality, he said in the House of Commons that he was not of the opinion that "the simple fact of the existence of a guarantee is binding on every party to it, irrespectively altogether of the particular position in which it may find itself at the time when the occasion for acting on the guarantee arises."

fighting for our own interest. But what is our interest? We are fighting for Right, because Right is our supreme interest. The new German political theory enunciates that 'our interest is our right.' The old—the very old—English political theory is: 'The Right is our interest.' It is true that we have everything to gain by defending the cause of international law. Should that prevent us from defending that cause?"

Of a truth, no,—a sober reader will reply,—and I wish you joy of the agreeable and convenient (yet still more or less accidental) circumstance, that you found your own interest formulated in the statutory right [*recht*]; but, with permission, the question really is whether you would also have defended that right [*recht*, law], if it had happened to be of no concern to your interest, not to say, directly opposed? The *beatus possidens* [the happy possessor] can talk till doomsday; but there is perhaps another party whose interest just as much requires a new construction of that right [*recht*, law]. Is it forthwith so clear that the affair of the first party has on its side the *moral* law, too, as well as the statutory law? Or is it not alone the statutory law [*het positieve recht*] that is subject to the universal principle,

"Alles was entsteht,  
Ist wert, dass es zu Grunde geht"?

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Is it alone in Germany that *Vernunft* [sense] becomes in the course of time *Unsinn* [nonsense]?

“Our cause, as one would expect from a people *that has fought out its own internal struggles under the forms of law*, is a legal cause.” The words italicized are recommended for careful meditation. They might be compared with the words I once found somewhere<sup>5</sup> ascribed to Bismarck: “*Wo Preussens Macht in Frage kommt, da kenne ich kein Recht*” [“Where Prussia’s power is in question, I know no law”]. If an English prime minister, *mutatis mutandis*, had permitted himself this speech of an (above everything else) open-hearted, truth-loving giant who “*heraus will mit der Sprache*” [“who blurts it right out”] he would have become impossible in his milieu. An Englishman’s first business is to “save appearances.” He fights for his interests, but only “under the forms of law.” That by this very attitude the law itself becomes a mere form doesn’t bother him, for his attention is now concentrated on the form. Any one else who not only practically but theoretically is concerned more with the content, the real nature of things, will see above all “the struggle” and “the interests.”

In the last analysis the fact is this: The English position that the mutual existence of states requires the absolute, eternal validity of treaties is *simply*

<sup>5</sup> I can’t verify; but *se non e vero, e ben trovato*.

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wrong. A relative, limited validity is alone practicable. *Reality, in which alone the historic process of eternal becoming and evolution has to fulfil itself, needs a certain degree of consistency, but no less a certain degree of plasticity. Without the last all is at a standstill,—that is, dead. The beatus possidens desires the standstill: an expanding, an advancing individual or race desires movement.*

It is this contrast, which is always in hiding under the superficial debate about right and might. It is this eternal strife, which achieved pregnant and unforgettable expression in the epoch-making [*wereld-historisch*] conference at Berlin on August 4, 1914, between the German Imperial Chancellor and the British Ambassador, of which we possess an account in the latter's report to his government (*Why We Are at War*, pp. 198-201). It is the strife of new Content against old Form; of bleeding, wrestling Reality against official Phrase; or, to say it roundly, of Truth against conscious or unconscious Falsehood. How little insight and comprehension we have in these matters, is seen from the way in which the *Vox Populi*, seizing on the words "just for a scrap of paper,"—words which were a perfectly just characterization of the existing circumstances as to that particular treaty which was alone in question—proceeded to add: "For



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Germany all treaties are scraps of paper. The Imperial Chancellor has said so himself."<sup>6</sup>

I fancy that it would be discreet of the Germans to keep in check for use only among choicer spirits this so likeable and intelligible tendency (recall Goethe, and Luther's "Table-talk") to "vigorous language" [*sterke woorden*]. The stupid public cannot grasp it; and the might of stupidity is enormous. Do not the very gods contend in vain against it? Without doubt, we have here one of the causes of the general antipathy to the Germans [*Duitscherhaat*]. Meantime, the problem remains, if a vigorous forthright, inner life that breaks its way ahead in such expressions *permits* of being kept in check. One may be too great to be discreet.

<sup>6</sup> But it is a shame that such a great authority in international law as André Weiss (*La violation de la neutralité belge et luxembourgeoise*, p. 35) should do likewise. And how little the English Ambassador Goschen really sensed the situation, appears from the cool words with which he continues his story: "After this somewhat painful interview"....Indeed it was "somewhat" painful, but it was more, infinitely more.

VI.

THE matter of Germany's treaty-breach toward the guarantors is herewith concluded; but now comes the more important, because not merely formal, but material side of the case, the Belgian side. *For this side an appeal to the duty of self-preservation is ethically inadequate.* No people has the right to save itself at the expense of another people. There is, as Kant has already taught us, nothing of absolute value except personality—be it that of an individual or that of a people. No personality is *a priori* of more worth than another; none has, therefore, the right to use another simply as the means for achieving its own ends. This moral principle is the foundation of the ruling in article 1 of the Hague agreement of 1907 concerning the rights and obligations of neutral states and persons in case of war on land: "The territory of neutral powers is inviolable," with the consequences summed up in art. 2-4.

Germany abrogated this duty also. She can only be defended if it can be proven that a still higher duty than that of self-preservation came into con-

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flict with the duty of respecting the personality of another.

I state the issue intentionally as sharply as possible. I disregard whatever mitigating circumstances there be in the affirmed plans of the French to pass through or in the affirmed connivance of Belgium with England and France; I disregard likewise the fact, however undeniable, that *Germany's appearance on the scene is not the only cause* of the dreadful situation in which poor Belgium finds herself to-day. In all damage wrought by war the will of the attacking army is not the only cause; the will of the defenders is a cause no less. Moreover, in my opinion, it is hard to deny that Belgium's action overstepped the bounds of a mere defense of neutrality and thereby the Belgian *duty*, and that especially after the second ultimatum it was no longer so much a defense of neutrality, as active participation on the side of the Allies. Obviously Belgium has the fullest right to take that side, but then she can no longer reproach Germany for the greater harm thus occasioned.

Yet all this is but a question of degree, of quantity. The moral charge remains that Germany did attack the personality of another people,—however great or little the extent of the attack. For the moral judgment, the extent itself is in a way indifferent: the moral judgment considers primarily the quality, not the quantity of actions.

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Properly to explain my meaning further, I shall have to make a digression on the moral conflict in general and on a most important case of that conflict in particular.

*The moral conflict.* In all that I have thus far read on the violation of Belgian neutrality, I have missed any explicit indication that the case belongs to this well-known ethical category. Recognition of this fact alone naturally makes a condemnation *sans phrase* impossible. That its recognition seems difficult here is not to be wondered at. One side of the dilemma, becoming the reality, so preoccupies our attention through the gigantic miseries of its effects, that the other side of the dilemma, and thereby even the existence of any dilemma at all, is obscured—a situation naturally much assisted by the now almost universal partisanship of passion.

One often comes across the notion that the moral conflict really has no existence, and that an admission of the same is a sign of a flabby morality that wants to excuse everything. "Fear to obey the ideal is considered a lack of moral insight or of moral courage and hence wrong."<sup>1</sup> The *video meliora proboque, deteriora sequor* is then conceived to be simply a frivolous saying. The truth is that it is a tragic lament over the actual situation in which

<sup>1</sup> Dr. H. T. de Graaf, *Moeilijkheden in het zedelijke leven*, Groningen, 1904.

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every individual who is both ethical and acting is placed in this world.

It is also noticeable that the conflict-of-duties does not occupy the high place in ethical literature that belongs to its preeminent and fundamental significance. The writer, who in the more recent literature has taken that significance into account—Georg Simmel<sup>2</sup>—expressly points out this phenomenon (*loc. cit.*, p. 423). The conflict is apparently very often *unconscious*. This can conceivably happen in several ways, which are presumably reducible to two main groups: lack of moral insight, above all of breadth of insight, of essentially deep, many-sided moral earnestness, owing to the relatively low moral level of the acting individual; and, next, complete concentration of the whole individual upon one idea and end, so that in each conflict one of the possible paths is chosen unhesitatingly as a matter of course. This is the significance of the great saying of Goethe: "*Der Handelnde ist immer gewissenlos.*" In this connection let me recall a notable passage in the "Conversations with Eckermann." On May 29, 1831, the devoted *famulus* records: "Goethe was telling me of a lad who was quite inconsolable over some small fault he'd committed. 'I didn't exactly like to see this,' he said;

<sup>2</sup> *Einleitung in die Moralkissenschaft*, 1893, II, pp. 307-426, especially, 380-426. The quintessence is in his masterly little book, *Die Hauptprobleme der Philosophie*, pp. 151-158.

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'for it indicates an all too tender conscience, that puts so high a value on one's own moral self that it won't forgive that self in anything. Such a conscience makes men hypochondriacs if it isn't counter-balanced by great practical activity.'" It is, just because of the apparently high moral level upon which this lad stood, more than likely—though not exactly stated—that his small fault was committed only amid the moral conflict. Goethe gives here the only prescription, I take it, whereby noble-minded men can escape perpetual qualms of conscience: to possess at the same time great practical activity. One may see the reverse in Amiel's *Journal Intime*, and in the monologue of that other sufferer from conscience, Hamlet:

"Thus conscience does make cowards of us all,  
And thus the native hue of resolution  
Is sicklied o'er with the pale cast of thought,  
And enterprises of great pith and moment  
With this regard their currents turn awry  
And lose the name of action!"

Amid this great activity there are naturally conflicts too, but they do not come into consciousness, or at least not so strongly. The strong, active man enjoys the contrary of "the too tender conscience" and "the pale cast of thought"; his "native hue of resolution," in other words, his "robust conscience," is, however, truly *toto genere* different from absence of conscience, making instinctively, almost unconsciously, the right choice in every conflict that comes up.

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There is still another type that reaches its goal without trouble in all conflicts, but at all times in exactly the inverted direction, since its whole life is guided not by rational ends but by delusion, be it a beautiful delusion, a noble fiction: that is Don Quixote, with his innumerable descendants. Its distinguishing peculiarity is that in ethical conflicts it invariably makes the inverted choice,—not because the character, but because the insight is inverted.

A third cause of the conflict's remaining unconscious, or rather of its actual non-appearance subjectively even where objectively possible or inevitable, is the tendency to a one-sided fixation of attention, whereby always but one side of the pending affair comes into consciousness. This factor is perhaps ethically indifferent, that is, stands in no relation to the character.

Now, whereas in man's actions so many conflicts either do not exist even subconsciously, or do not penetrate into consciousness, it is no wonder that in man's moral judgments this element very often does not play the important role that it should. Herein lies, I believe, one of the chief reasons why moral judgments often turn out so cruelly unfair and so miserably stupid; herein, too, the reason for one of the most dreadful situations in which a noble human being can find himself: to be morally condemned, with relative justice, by somebody who intellectually and morally is not fit to unlace his

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shoes, and to be compelled merely to abide in that situation, since it is precisely the lower moral level that renders it impossible for the other to see the exceedingly relative justice and the much greater injustice of his judgment. In such a case there is but one possibility: to endure in silence, and to meditate: 'They know not what they do'; or, recalling another sublime example, to say in all earnestness, as Huss at the stake said to the old woman tottering up with her faggots, "*sancta simplicitas*"—in other words, inwardly to recognize to the full the relative justice of the judger which seems to him the absolute justice, and to experience joy in the very earnestness which in each case expresses itself through the judgment passed.

But let us now consider the moral conflict a little more narrowly. This conflict arises, not alone because our single and indivisible personality stands in divers relations to other individuals and to other spheres—from which circumstance duties first arise—but, over and above this, because the interests of the persons and the spheres are dependent upon each other, and can on this account make upon one individual mutually contending demands. The individual stands "at the intersection of many spheres, social, ideal, or in general in some way advantageous" (*Hauptprobleme der Philosophie*, p. 153). Thus it comes that there exist duties also *toward*



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*oneself*. Now, one aspect can enter into another and perpetually does enter into another. And it is not to be expected that there will be any reconciliation in the future, since the more complex and close the structure of society, the more numerous become on the one hand the relations in which the individual is involved, the spheres of interest in which he has part, while, on the other hand, the self-consciousness, the force whereby the personality strives to control and regulate the content of consciousness, becomes continually more and more intensive.

The conflict manifests itself mainly in two chief forms which Simmel calls the logical (*contradictoire*) and the material (*contraire*). By the former, he means a case where one and the same action can be demanded by one duty and forbidden by another; by the latter, the situation where either of two duties, though not contradictory in purpose and content, yet takes for its accomplishment all one's available time, energies, and means. The second form is naturally the milder, and is the more likely to result in a compromise; the first is the sharper, and the decision usually demands that one of the two duties gives way altogether. Both forms, however, may often intermingle or intercross (pp. 384-385).

Moreover, of highest importance for the whole matter seems to me the indisputable fact that the duty which has been of necessity repudiated *never-*

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*theless still maintains its moral effect*, still remains pressing upon the conscience. It is, as if the moral ideal intended to begrudge us the benefit of the *ultra posse nemo tenetur*. Precisely through this element does the conflict of duties become a *tragic* conflict, yes, the very groundwork of all tragedy. The tragic hero is the noble and strong one who falls into a tremendous ethical conflict between whose irreconcilable demands he is crushed to death. In this process an important accompanying role is fulfilled by the ethical reaction of his milieu, which, being still under the influence of the repudiated duty, feels it must punish him for his offense.

It is on account of its significance not alone for the acting party, but precisely on account of its particular significance for the party judging, that I make mention here of this tragic side of the ethical conflict. *Just as little, namely, as the action performed in conflict can ever entirely satisfy the party acting, can the judgment passed on that action ever entirely satisfy the party judging.* There always remains a "yes. . . .but. . . ."

In the case pending, for example: Assume that Germany is blameless; still our consciousness continues every instant unreconciled to the fate of Belgium. We must be on our guard lest this unreconciliation dominate our entire judgment.

I should like to add here another word or two on the *cause* of this phenomenon of un-satisfaction.

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Simmel sees in it an argument against what he calls "The monism of morality," i. e., the conception that all moral precepts are reducible to one fundamental principle. This unsatisfaction proves, he thinks, that there are several principles, ultimately different, or at least for the moment incapable of being reduced to a unity; though it is to be as little denied that we are, on the other hand, compelled just as much by our whole make-up to demand such a unity in the realm of ideals. I believe, in all modesty, the cause lies rather in this, that with every decision there persists in us a greater or a lesser *remainder of uncertainty as to its justifiability*—the more dubious the case, the stronger are the claims of the repudiated duty—and that this uncertainty, on its part, lies in the fact that so many times *we live and move and have our being in complete ignorance as to the objective worth of the contending duties*. I consider the greatest defect in Heymans's *Einführung in die Ethik* is that his purely formalistic formulation of a basic ethical principle, "*wolle objective*" (this amounts in the main to about what Kant also intended), is in reality only applicable as a formulation *of the nature of moral intention*.<sup>3</sup>

For a complete ethics, however, there would be

<sup>3</sup> I believe, *salva reverentia*, that Professor Heymans (*loc. cit.*, p. 26) is nodding, when he contrasts his formal monism with Simmel's pluralism. Simmel means at bottom only the pluralism of ultimate values, and does not deny, as far as I can see, the possibility of a monistic formulation of the nature of moral intention [*gesindheid*].

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necessary a treatment of how moral intention *changes into moral deeds*, in other words, a treatment of by far the deepest and weightiest problem which is encountered by our blindly groping and bloodily wrestling humanity: how the moral ideal gets itself realized, not only in the actions of an individual but in the historic process of humanity. Along with this we meet at once the question concerning the value of the different aims which one can set oneself, and this, too, not the value for me or for my neighbor or for anybody else, but the value in itself, the objective value,—about which in an instant the portentous question rises, what as a matter of fact are we to understand by the value in itself, by the value which is thus sundered from human evaluation and from evaluating human beings? Somewhere hereabouts is the point where our human thinking reaches its limit, and the counsel of silence is good, and it is only the unmediated life-force of the moral urge that carries us onward.<sup>4</sup>

What does it avail me that I possess to the full

<sup>4</sup> Compare in the "Ode to Pan" of Keat's *Endymion*:

"Be thou the unimaginable lodge  
For solitary thinkings, such as dodge  
Conception to the very bourne of heaven,  
Then leave the naked brain; be still the leaven  
That, spreading in this dull and clodded earth,  
Gives it a touch ethereal, a new birth.  
Be still a symbol of immensity,  
A firmament reflected in a sea,  
An element filling the space between,  
*An Unknown. . . .*"

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the objective attitude [*zakelijke gezindheid*], of which Stumpf has so finely said that it is the moral attitude [*zedelijke*], and that I, as far as frail man is able, "*mir selber sum Objekt geworden bin,*" if, in my desire to evaluate objectively the various possible ends as conceived, I discover over and over again that *I lack a fixed value-meter, an invariable standard?* Does not there lie here a still greater difficulty than that which lies in the superhuman task of true objectivity? I believe that it is *the* difficulty. Were our evaluating function as clear and transparent, as relatively simple, as our logical thinking, then there would be nothing necessary for virtue but moral intention [*gezindheid*], practical objectivity. But it is otherwise, and that makes our moral life so difficult and so dim. That is the ultimate cause why men forever with one another *wage war and must wage war*. We have not the moral ideal *before us*, like a bright lode-star, which points us indubitably the just course; it is alone *in us*, darkling and vague, as "*dunkler Drang,*" and it gives us its revelation about the value of things, not according to a system of rules, but after its own peculiar, indescribable fashion. It is on this account also that axiology, although practically the most important of all the philosophic sciences, is scarcely yet born.

The moral process within us, the origin not only of moral *intention* but of moral *wisdom*, the knowl-

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edge of values which alone puts us in a position for moral *action*, has been as yet very incompletely discovered by science, and is indeed even for science inaccessible in its fundamental nature. We can only say here: "*individuum ineffabile.*" We are here in the midst of the mysteries of personality, where only direct perception, not logic, is possible.

But it is to be at once emphasized that the moral judgment looks above all to the degree of *moral intention*. Of no one can there be required greater moral wisdom than Life has given him and could give. We define and we appraise, but do not condemn. (Thus an Ethics which seeks to be in the first instance a psychology of the moral judgment does entirely right to confine itself to the moral intention. The moral judgment, however, is not the whole of the field of morals, and not even the most important part.) But the individual moral life is not satisfied with this. It experiences in one way or another unsatisfaction, unrest as to the achieved degree of insight into values, and feels an impulsion to a higher. In reality, it can be required of every one—for it lies in one's character—that he incessantly *strive* with all his heart to increase and deepen his ethical wisdom. Only under this condition can there be complete reconciliation with one's mistakes of an earlier stage. Only

"Wer immer strebend sich bemüht"

is in the end rescued from the Evil One.

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And here three other points must be noted. First, the ethical conflict has usually this peculiarity, that one side of the dilemma speaks more to the heart and the emotions, whilst the other is of more objective nature. Simmel (*loc. cit.*, p. 391) well and justly points out that in the drama, from the very nature of the case, it is commonly the emotional side which is stressed, and that, moreover, there is not the least guarantee for the ethical correctness of the judgment. The "feeling" [*gevoel*] is the unconscious after-effect of earlier intellectual reflections and convictions (p. 393). This indicates that the conflicts frequently contain an historical element: of the clashing duties one is the older and belongs to an older stage of civilization [*cultuurstadium*] than the other which as yet establishes its claim only through the reason, and only with the passage of time can "enter into the category of what pertains to the feelings." It is obvious that, under the circumstances, nothing can be settled as to the worth of either of the conflicting duties, merely by virtue of its more emotional or its more intellectual character. It is quite as possible that the older duty belongs to the immutable ethical prudence of life,—to that permanent store of racial experience already rendered respected and trustworthy by age,—as that it is *outworn* by the historic process, and merely by virtue of that jealous obstinacy (with which life everywhere clings to once accepted forms) still

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maintains in our subconsciousness a life no longer at one with present-day reality. Every present is formed, as it were, of different historical layers; the past is never altogether dead. We can "enter upon our inheritance from Mankind, with no discounting of its inner contradictions, as if *sub beneficio inventarii*" (p. 392) and so even the past gives us opposing elements, which are then augmented by those which our own thinking creates out of the present.

The contrast between ethical conservatism and ethical new light [*nieuwlichterij*] is, according to Simmel, closely connected with that between a predominantly emotional and a predominantly intellectual life. And inasmuch as feeling corresponds more to the average niveau of society, the contrast is here at the same time that between prevailing custom and individual moral thinking.

But before going further, I ought to remark that it doesn't seem to me altogether right to connect the historical element in the moral conflict—which is here my chief concern—with the contrast, feeling *vs.* understanding. The transition from an older morality—deeply interwoven with the personality and hence practically unconscious in its workings—to another, a newer, seems to me to be a process that is much more and that goes much deeper than the reflective operations of the understanding. This individual understanding, with the haphazardness of its available data and its exposure to the passions



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which demand protection, is I fancy not always to be implicitly trusted *in moralibus* [in matters of morals]. As against rationalistic radicalism, conservatism is doubtless in all points pretty nearly in the right. How is the understanding alone to become aware of new *values*? That is the question. Here there turns up again the secret process of how values become known, already mentioned above. The inner *creation* of new moral insights is more than a process of the understanding,—though by this it is not affirmed that the reason stands outside of it; and just as little that the new insight, when once born, shall not frequently require for a time, while still young and often uncertain and undeveloped, the help of reason in the strife with others.<sup>5</sup> If, on the contrary, we see another acting according to a moral insight which is as yet unfamiliar to us, then the older idea, usually persisting unbeknown, reacts within us emotionally.

<sup>5</sup> I am sure that Simmel (p. 401), in making Goethe's "*dunkler Drang*" [dim urge] equivalent to what he describes as the emotional factor in the moral process, overlooks the real meaning. The emotional factor, no less, can cause us to "*irren*." Goethe means the secret working within us of the moral and spiritual ground of reality, which can bring to birth in ourselves new moral insights:

"Der gute Mensch, in seinem dunklen Drange,  
Ist sich des rechten Weges wohl bewusst."

The moral feeling must be present; and then the "*dunkler Drang*" does the rest. But it does it in its own time and in its own way, which are seldom our time and our way.

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In the second place. There is one method of withdrawing from the tragedy of the inevitable ethical conflict: by not acting at all, that is, by functioning not creatively, organically, from within, but mechanically, passively, from without. For such a life there is opportunity in the cloister; but not only there. Obedience, *perinde ac cadaver*, excludes all conflict, for it knows absolutely but one duty. Yet such a practice is of itself immoral in the end, for life is nothing else than an out-streaming from within; and to mechanize oneself, to make oneself small and still, is practically the same as spiritual suicide. If one revolts at this, then the moral conflict and manful decision is the only course. I cannot now enter further into the far-reaching consequences which this undeniable fact has for the whole philosophy of life; but I can't refrain from making room for two citations from von Treitschke's *Politik*. On page 99: "This is indeed the hard and the deep thing in human life—this, that, in the multitude of obligations overwhelming every human being by virtue of his membership in different social groups, he cannot get off without collisions among these duties. In passing judgment, the point is ultimately always whether the individual understood his own innermost nature and developed it to the highest perfection of which he was capable." And on page 132: "There can be no life in the world of history without tragic guilt."

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In the third place: the moral wrong that is committed in the conflict remains a wrong not only for the consciousness of the doer but for the consciousness of him who becomes the sacrifice and who, as such, is not particularly prone to see and to acknowledge the conflict. On his side possible reprisals are to be expected, which necessarily call for preventive measures on the side of the original actor, if the now elected higher goal is not to be endangered. Thus matters can easily go from bad to worse, and yet the original act remains morally defensible. In this respect the whole case can become so infinitely complicated as to quite transcend our ken. These are the secondary entanglements which generally bring the tragic hero to his ruin.

“*Alle Schuld rächt sich auf Erden*”—

tragic guilt, no less.

Yet what is here of chief importance for the moral judgment is this very complicatedness. In many a case the conscientious judger will not have the courage to come to a conclusion. Above all, this must be borne in mind: it is never an action, but always the whole character that is judged. If the underbrush of complications is too thick for us to arrive at a judgment, let our judgment not speak. And let us at all times leave room for the possibility of a mistake made in good faith. “Our portion of goodness lies not in our *achieving* the right, but in

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our earnest and upright *will* to achieve it. If nevertheless we err and realize we err, we will regret our error; but our conscience exonerates us. The most that can be demanded of human beings is full conscientiousness." (Lipps, *loc. cit.*, p. 217.)

## VII.

AND now for the promised discussion of the special ethical conflict that outweighs all others in its importance. It belongs to the psychology of genius.

We frequently find in those sciences which operate with psychological concepts, without being designedly psychology, the opinion that all human actions are either egoistic or altruistic. Schopenhauer, for instance, was also of this opinion. *It is mistaken.* As a matter of fact, we desire all sorts of things, strive for the realization of all sorts of objects, which are of use neither for ourselves nor for others, at least not desired on that account. "These contents of our will hover before us in objectivity, as something that shall be, in and for itself, independent of the pleasurable or painful, egoistic or altruistic, feeling-reflexes that may attach themselves thereto."<sup>1</sup> Science, art, politics, religion create

<sup>1</sup> Simmel, *Schopenhauer und Nietzsche*, p. 155. Cf. *Einleitung in die Morakwissenschaft*, II, p. 397: "Objective ends, whose realization permits of being felt as an inner, but in some degree impersonal necessity, as the task which comes to us in the world-plan."

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such values-in-themselves. They are, in the final analysis, willed for but one reason, and for but one reason created, often at the cost of the greatest sacrifices: because a world wherein they become realized appeals to us as worthier than the world at hand. With the recognition of this scarcely deniable fact, we raise ourselves above the contrast of optimism and pessimism. The world is then no longer a *factum* to be reacted upon, but a task upon which we must labor, while the inner urge to this labor relegates to the background the question of how it affects us personally.

We are, therefore, beings who from within outward, impelled in strange wise, create objective values in the visible world. Life is an everlasting process of forming and re-forming.<sup>2</sup> But not all of us are equally loyal and equally gifted toilers on that work. Genuine morality is always a creating—or a becoming created—from within outward, but with how few of us is that divine miracle completed.

Every one who concentrates with zeal and perseverance his entire power upon some end conceived by himself works creatively; yet with how few of us does this function come to anything beyond the writing of a letter or the devising of some everyday scheme. Those of us with whom it does come to more, those who, by virtue of their peculiarly

<sup>2</sup> Read Dr. A. H. de Hartog, "De Beteekenis van den Vorm in het Wereldgeheel," *Nieuwe Gids*, July, 1914.

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fortunate endowment are possessed of the gift to give birth to original combinations of ideas, who prove themselves capable of bringing forth new, objectively valuable creations, these favored ones we call geniuses. One of the most universal characteristics of their psychical structure is the entire, exclusive, self-sacrificing concentration upon the one purpose which is the deepest expression of their nature. That purpose they must realize or perish—*“sterben oder triumphieren.”*

In this they think neither of themselves nor of others, but only of their cause. But, since their cause is objectively of worth, they are the kings of mankind, at the same time the servants of all. Their existence is more momentous *for all men* than the existence of friend Tom, or Dick, or Harry [*Jan, Piet of Klaas*].

I may add that he alone essentially deserves the name of genius whose achievements are objectively of worth. The fact that one is stronger, cleverer, slier, than all others put together is not enough to make him a genius. For the eminently *moral* factor is lacking. There is no such thing as a genius-of-the-stock-exchange or a genius-at-deception [*een geniaal speculant of een geniaal bedrieger*], for the world gets thereby no greater worth when a worthless individual comes at last to sit throned on a huge heap of gold; just as little as it were of supreme significance should a morally worthless

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people establish a world-empire. Each worker can only become a genius when he works, not for himself, but for the worth of the world.

Now just as surely as morality is the realization of objectively worthy ends, so surely has every true genius one all-surpassing duty: the realization of the end that to him appears above all others objectively of worth. His quality of genius [*zijn genialiteit*] lies precisely herein, that this end *is*, for a fact, of worth.

Therefore, such an individual lives in a continual ethical conflict: with all duties that make their claims upon him, the primary question will always be: Does my spiritual vocation [*roeping*] become thereby imperiled or not? For the sake of this vocation [this mission, calling], he may and he must permit himself things that for every other man would be indefensible. This is the deep sense of the words: "*quod licet Jovi, non licet bovi.*" Jupiter has more rights than the ox, precisely because he has one weighty, all-surpassing duty: to be Jupiter, the Creator. Only one who really understands nothing of all this can suppose that duty is easy. Only one who has never reflected on the desperate quarrel of Spirit versus Nature, on the heavy task of "Ought" in translating itself into "Being," and then in subjecting itself to "Being,"—in a word, only one who has never reflected on the chances of the Logos, the Moral-reason, in getting itself realized in the actual



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world can fancy that duty can run its course without conflicts.

Here is thus one duty higher than that of self-preservation: the duty of vigilance for the realization of the vocation of one's own genius.<sup>3</sup> This is higher than that of self-preservation, because the realized vocation serves, at least ideally, the good of all.

Now the State, as we have already seen, has (just as has every one, even the least of us) a particular calling: the ethical. It is called to the realizing of the ethical ideal (just as are we) in its own being, that is, in the people of whom it is a phase [*verschijningswijze*], and in that part of the world where the authority of that people obtains. It creates, therefore, among other things, law,—as the condition for the undisturbed development of a higher free morality.

Yet, quite as little as individuals, do states stand all on the same level. There are strong states and weak, enterprising and sluggish, wise and foolish, intellectual and stupid. There is also a difference in the ethical level. There are high-moral states and there are immoral states.

There is finally *a state with the quality of genius*

<sup>3</sup> The contrast, made by Lipps, between individual and personality gets here a deeper significance. The individual of genius sacrifices both himself and something much more, in the realization of his personality. Much of importance in H. Türck, *Der geniale Mensch*.

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[*een staten-genialiteit*]. As the vocation of a state can only exist as a moral vocation, this quality of genius must be moral genius.

We saw that all true and free morality has by nature something of genius. Moral genius is thus a sort of genius to the second power. It consists not in the fact that one achieves a very high degree of morality, a strong moral feeling, but in the fact that one renews morality, that one achieves a higher morality, in a word, that one becomes, by the "inner illumination" of his independent selfhood, aware of new values, of values heretofore unperceived. Is not this, indeed, the common characteristic of the few who are recognized in history as moral geniuses, as creators in the moral realm?

This is the highest stage to which a human being can mount: the stage of ethical genius.

Thus far absolutely but one State as such has manifested ethical genius: the Roman state, to which we owe in part our civil law. Or will one affirm that England too has had her age of genius, during which she created her national law? I deny this emphatically: the falsehood and the weakness of the parliamentary principle<sup>4</sup> as a means of realizing right and law have become clearer than day; and it

<sup>4</sup> [By "the parliamentary principle" Labberton does *not* mean the universal franchise and representative government, *with legislative, executive and judicial division of function*. Compare below.]

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is precisely the glory of Prussia that she has striven for a different principle.

The people of Eckhart, Tauler and Luther, the people of Kant, Schiller and Fichte, of Bach, Beethoven and Brahms, the people who, personified in that unfathomable marvel which dwelt in humble Weimar as His Excellency Privy Councillor J. W. von Goethe, mapped out its program for generations ahead, that people, as I firmly believe, now that it has in the last forty-four years finally achieved likewise its political unity, will form a state which in the end, in so far as it has opportunity, in so far as the natural foundation for this spiritual product is given, will manifest equally an ethical genius. *It is my inner conviction that Prussia is the ethically sound kernel of Europe, from which in the end is to spring the ethical regeneration of our desperately ailing world.*

This is actually nothing more than a belief, an intuition, an instinctive conviction, of no argumentative force for others. I admit this gladly and fully, although, in my opinion, the Prussian national law [*Staatsrecht*] can properly be adduced as the beginning of the argument.<sup>5</sup> Indeed, there lurks an indisputable symptom of genius in the fact that

<sup>5</sup>[Cf. John W. Burgess (formerly Professor of Constitutional and International Law in Columbia University), *The European War of 1914*, pp. 93-105, for a succinct presentation of modern Germany's achievements in various fields of organized human endeavor.]

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one is ill-adapted to the current notions of the day, i. e., that one has one's own standards and ideals. Of all European countries Prussia is the farthest removed from Rousseau's atomism and the demagoguery of the half plus one. And all Germany has already the strongest *organizations in the interests of the trades and professions*, which will form the foundation for the positive politics and for the law-making of the future, as the parliamentary principle falls more and more into general disrepute.<sup>6</sup>

<sup>6</sup> Cf. A. Christensen, *Politik und Massenmoral*, pp. 180-197.

## VIII.

**B**UT for the proposition that the German people in any case stands upon an altogether unusual moral level, one or two other points may be noted which must at least arrest the attention even of the doubting ones.

In the first place, there is the fact that this people came to its mature activity so late in the world's history. This people is a people of a profoundly deep inner life; it is by nature not active, but essentially contemplative. Its very habit of dwelling so much in the *content* of life renders its form-giving ability relatively so small. It had endured till 1871 before it gave form to its external politics; all its best art is art of content, not of form. *Faust*, a fundamental work on ethics, is formally a poem often of rather dubious craftsmanship, here and there below the mark. German scholars are notorious for the form of their works. Such a one as Bergson, a philosopher with the style of an artist—and the two, as it were, unfused, so that a peculiar, intentional, coquettish solicitude for the form becomes perceptible—would be unthinkable

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in Germany; and he is in disrepute among many precisely because of his external elegance. One does not trust such prettiness. When a German is a "fine" writer—as Schopenhauer and Nietzsche—it is nothing else than the internal necessity to express oneself so and not otherwise.

“Such’ Er den redlichen Gewinn,  
Sei Er kein schellenlauter Thor,  
Es trägt Verstand und rechter Sinn  
Mit wenig Kunst sich selber vor;  
Und wenn’s euch Ernst ist, was zu sagen,  
Ist’s nötig, Worten nachzujagen?”

The endowment of this people is not primarily esthetic, but ethical.<sup>1</sup>

Whenever a people so devoted to the inner life, a people of “*Dichter und Denker*” [“poets and thinkers”], becomes in a large way practically active, it becomes so not by nature, not from egoistic motives, but because it has encountered within itself an unavoidable Duty, because it is driven on and spurred on by the Spirit [*den Geist*], because it has become aware of a mission [vocation] with respect to the world. We are wont to be amazed and indignant over the change and to compare the present Germany unfavorably with the earlier. The

<sup>1</sup> In the same connection may be noted much smaller matters: The German hasn’t as good manners as the Englishman; he has less grace than the Frenchman; he is often badly dressed, etc., etc. Just these things are wont to determine the judgment on Jan Alleman. And then too he isn’t ashamed of them either!

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situation seems to me quite the reverse:<sup>2</sup> the earlier, *which is absolutely not dead*, furnishes precisely the guarantee that in the present Germany it is not egotism but the Spirit that lives and works.

The activity of a naturally contemplative being is always something essentially peculiar and supremely worthy: it occurs only under strong inner stress, and takes its rise from the deepest and clearest wellsprings of life,—there where ultimately both activity and contemplation have their common dwelling and their common birth-place.

In all that we can say of Germany, there is virtually always involved the wholly unique phenomenon of this deep inner life. I have already referred to the great openheartedness and honesty and tendency to vigorous language. No *bon goût*, the Frenchman would say: an insult to the *form*. Entirely true, but an unmistakable symptom of the strong living *content*, which now and then, precisely in its idea of being more than form, intentionally breaks through the form, from necessity,—or from playfulness (as often with Goethe) to plague the Philistines. The French "*épater le bourgeois*" occurs rather by means of just these *formal* factors. (We might argue with some propriety that the con-

<sup>2</sup> [Cf. the thoughtful, clear, and restrained presentation of this idea in the article "The True Germany," by Kuno Francke, *Atlantic Monthly*, Oct. 1915.]

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trast France-Germany is really that of love-of-form and content-of-life, estheticism and morality.)<sup>3</sup>

In close connection with the foregoing is the German's incapacity to make himself beloved or even intelligible among strangers. One who lives inwardly cannot be understood from without, but only from within one's own innermost life, by virtue of "sympathetic insight" [a German word, *Einfühlung*, "a feeling into"]. His outward manifestations often seem queer and strange, and arouse dislike and mistrust. At the same time, he is compelled by the very depth and warmth of his temperament to seek sympathy and companionship: and then we find him intrusive. If he feels the impossibility of this and withdraws pained into himself, then we call him sullen and unsocial. If you happen to have had dealings with him when his state of mind was betwixt and between, then it's easy to say: "The German is sweet as a pussy cat, when he needs you; but when he doesn't need you any longer, then you get a kick to boot."

The currency of such opinions should not, however, unduly impress us, for we know that the

<sup>3</sup> After this was written, I saw that Rudolph Eucken had already so argued in the *Internationale Monatsschrift für Wissenschaft, Kunst und Technik*, January 15, 1915[?]. We might add that, whereas the French love of form is of a more esthetic and hence fairly harmless sort, England is an example of a national tendency to the worship of ethical form—something much more dangerous.



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crowd is unthinking and lives by imitation. It has become a fashion, I should almost say "good fun," to call the Germans names. It is "*ton*"; and Tom chatters, and Dick must chatter after. In a small way we have the same phenomenon in what may be considered closed groups, as a student fraternity, when suddenly, no one knows how, one word or another, one turn of expression or another, becomes all the go. Then everywhere, in season and out of season, they are dragged in and forever applauded with unwearied zest. For, to be sure, "it's the latest." There is something of this sort in this calling "the Muffs" [*de Moffen*]<sup>4</sup> names—only that is now no longer exactly "the latest." It is simply a symptom of the insipidity of the multitude.

The Germans—as they say further—have no respect for another's personality, no conception of another's human worth. They work always with force, with the corporal's stick. The English know better, and so they are the good colonizers, while the Germans have not been able to pacify even such a territory as Schleswig-Holstein, to say nothing of Poland and Alsace-Lorraine.

Here, too, the reproach, I believe, turns finally against him who utters it. It is very easy to leave another's personality alone, if one on the whole is

<sup>4</sup> [*Moffenland* is Dutch slang for Germany. *Moffen* has about the same connotations as "Dagos" in America—it is not exactly abusive.]

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not bothering much about personality and inner personal life. The English method of colonization is directed toward a practical, outward organization, a nice operation of the political and economic machine, toward "Civilization" in a word; and it can achieve that purpose so well, just because it takes no thought for the essential inner refining process,—that "*Kultur*," which would make some meddling with personality unavoidable. It is not so very hard by such means to keep affairs peaceable.

The German has been taught by Kant that personality is the only absolute value in the world. He has read in his Goethe:

"Volk und Knecht und Ueberwinder  
Sie gestehn zu jeder Zeit:  
Höchstes Glück der Erdenkinder  
Sei nur die Persönlichkeit."

He is thus not satisfied with governing and exploiting; he strives to educate. Let us admit he often makes two mistakes: first, he strives to educate too much according to his own image; and, second, he sometimes overestimates man's capacity for education. Then conflicts arise, and then the miserable "Muff" [*de leelijke Mof*] has gone and done it again. Yet the German labors uninterruptedly, with impressive earnestness and zeal, upon his own improvement. Nothing is further from his thought than the slogan: "right or wrong, my country." Thus it is to be expected that, with greater

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experience in this field, still so new to him, he will learn: first,

“Eines schickt sich nicht für Alle”;

and, second, one does not indeed gather grapes and figs from thistles and thorns, and thus with many a specimen of *Homo Sapiens* can do nothing more sane than to let him be what he is, after having bound him energetically to the law of the land. That will be most comfortable for the party concerned, and there will be a good sight less footless jobbery in this world, that needs so much real reconstructing besides. And, finally, with the truly educatable specimens, the business will be to learn to avoid the mistake of those educators who stand too high above their fosterlings—the mistake of demanding too much. The great question is always how the power of voluntary attention and effort can best be quickened, by freedom or by compulsion, or rather by what combination of both.

Again, in the so-called “Militarism,” somebody not long since (*N. Rott. C.* [“New Rotterdam Courant”], January 19 [1915], *Avondblad A*) thought he discovered as the characteristic element of the Germans the refusal to recognize the humanity in another creature. The hard discipline and above all the cases of ill-treatment in the barracks were instanced in proof. It was one more indication of the objective and earnest mind of the German that

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Von Moltke in an appended reply, immediately and with grateful acknowledgments to the author of the article in question, admitted that rough characters had been guilty of such abuses and that there still remained much to be bettered. At the risk of being taken for "*plus Prussien que le roi de Prusse*" I'd like to make here another observation or so. A *rough* character is certainly not always a *bad* character; roughness is sometimes the inverted form in which a genuine moral feeling expresses itself. Every one appreciates this fact from his own experience with men. We know, moreover, that, in every group of human beings which has any permanence, there is always forsooth one who shows himself perpetually and in all things the least and the least worthy—even if it be only in those characteristics most cried-up in the given milieu—and who thereby exposes himself to the tormenting spirit of his associates. Even here we have to do with a reaction, in which man's evaluating function is actively concerned. For my part, I should be much interested to know, whether the recruits that become a sacrifice to such treatment do not perhaps belong in the great majority under this class of less worthy mortals. In that case we might consider it not mere cruelty, but rather an expression, obviously inverted, of moral feeling, of a feeling for human worth. Or is it not true that *Homo Sapiens* presents us specimens that would make a very angel lose pa-

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tience? No, the essence of militarism is elsewhere to seek,—namely, in the essential, inspired readiness of the immense multitude of the people to throw body and soul, when needful, into the breach for the Fatherland. It is this willingness, too, which teaches them to endure the hard but necessary yoke of discipline, and ultimately renders their obedience a free and willing obedience, because consistent with one's own human worth. This readiness has enabled this people now for more than seven months to hold its place unshaken and unshakable, under circumstances which would presumably have long since driven any other people to despair. Is the world, then, blind and deaf? Does it not see, does it not feel, that what Germany is now achieving is little less than a miracle?—*A miracle of tremendous will and earnestness, of immeasurable spirit and self-sacrifice?*

And mankind shall live to see still more, if the need become still more dire. For let no one deceive himself: Germany is fighting for her life against a physically superior host which is coolly calculating her ruin. Ruthlessly upon her beautiful bloom it lays

“die kalte Teufelsfaust entgegen.”

Peradventure, we will yet witness deeds of such classic simplicity and greatness that the scales will fall from the eyes of even the most blinded! But

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what am I prating: is it not precisely the simple and the great that the average individual can never perceive, because his attention fastens, of itself, forever upon the small? He doesn't see the ocean, but the shells on the strand.

Where would this people now be, without its much-abused army? The German army forms the very highest claim of this people to our honest admiration. It is wholly and simply coincident with the fact that the population has risen since 1870 from 40 to 68 millions. This people has still the courage, yes, to live as well as to die. It recognizes the Commonwealth and the duties of the individual toward the same. Just as the women still have the courage and the will to bear numbers of children and thus chronically to risk their lives for the Commonwealth, so the men have still the courage and the will to fight and thus acutely to risk their lives for the Commonwealth. Moreover, we have been given to poking fun—the German comic papers no less, in their earlier misconception—at the high position which the German officer occupies in society. But, duly considered, this position is virtually nothing else than the honor which properly belongs to a class of men who unceasingly, day by day, stand in readiness to give their lives for the Commonwealth, that is, for all. That this is no mere phrase, the world can now well see.

A strong proof of the moral earnestness of the

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Germans is their objectivity with regard to their own defects—see von Moltke above—and their inner need to confess their guilt, even if it be only their tragic guilt. It is peculiarly true of the Germans that the duty which had to give way in the moral conflict still makes its voice heard in the conscience. Sometimes they are driven to strong expressions merely *to convince themselves* that it was absolutely necessary to act so and not otherwise. Thus one gets expressions such as those of Bismarck, the man who was supposedly a monster of stone and steel but who in reality had to perform his hard duties with such a sensitive temperament that, on his own admission, he could never calmly design a militant policy after the day at Königsgrätz when he had looked into the glazed eyes of a dying soldier. Such men would, indeed, prefer the course of Don Quixote in the moral conflict,—did not their mission drive them with iron necessity in the right direction. In this connection, mention ought to be made of the words which the Imperial Chancellor, in the Reichstag on August 4, 1914, devoted to the violation of Belgian neutrality. I incorporate them bodily.

“Gentlemen, we are now under the necessity of self-defense, and Necessity knows no law! Our troops have occupied Luxemburg, have perhaps already set foot upon Belgian territory. Gentlemen, that is contrary to the Law of Nations! The French

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government has, indeed, declared at Brussels its willingness to respect the neutrality of Belgium as long as the enemy respects it. But we knew that France stood ready for the attack. France could wait, we could not! A French attack upon our flank on the lower Rhine might have been fateful. So we were compelled to disregard the well-justified protest of the governments of Luxemburg and Belgium. The wrong—I speak frankly—the wrong that we thus do, we will seek to make good as soon as our military goal is achieved. One who is threatened as we are, one who is fighting as we are for his Highest and Best [*sein Höchstes*], he dare think only of how to cut his way out."

As I read these words for the first time, I felt a shudder of admiration, of deep moral awe. For conceive the situation clearly and sharply. Here was a people in unheard-of straits: suddenly exposed to a war upon both fronts against powerful foes. Under these circumstances it had, justly or unjustly, committed a deed, which that people well knew would be execrated throughout all lands as an unheard-of violation of international law, and would stamp the doer as well-nigh the enemy of the human race,—a deed, furthermore, which forthwith gave a third tremendous opponent an opening also to mix in the strife. And in the National Assembly, in the hearing of the whole world, it was acknowledged with full objectivity according to duty and to con-



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science that this deed was a wrong and that the protests of the opposing party were justified! This was acknowledged without beating about the bush, without any rhetoric, without fine phrases, without "sack-cloth and ashes" [*"boetekleed"*], and without anxiety as to the inevitable lack of comprehension which this acknowledgement would find among mankind. The ethical conflict, the tragedy of the guilt, is revealed, though not expressly; but the guilt itself is confessed with sorrow. If this is not the height of moral earnestness, then I know not where to seek it. The world, of course, interpreted it as the height of cynicism.

It is so decidedly a height that it is a *too much*. I believe that in the times to come men will never mention without honor the position taken by the philosopher nearest the German throne. It loses nothing in that it was *not discreet*. The non-acknowledgment of wrong would have been in itself unethical; the acknowledgment in this form was a *mistake*, and in politics one of the results of the tragic conflict is that a mistake is often "*pire qu'un crime*" [*"worse than a crime"*]. The Chancellor's words were beyond the comprehension or at least beyond the will-to-comprehend of the world, for whom they were intended, and for that reason did the German cause great harm. This was clear, or was made clear, ultimately to the Chancellor himself. Therefore, later — then naturally too late — he *de-*

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*fended* the German action. The whole case is a sample of the way precisely the high ethical standards of the Germans now and then mislead them into political blunders, when the political genius of a Bismarck is not inerrantly driving ahead in the right direction. Here lies undoubtedly one of the causes of their inferior adroitness in the profession of diplomacy. One of the strongest peculiarities of this profession is the way this exalted company speak among themselves a sort of oracle-language chiefly designed to conceal their ideas. (Just read that many-colored compilation which the various governments have put at the disposal of our inquiring spirits, precious "*documents humains*," valuable only slightly, I take it, for the historian, but all the more for the psychologist and the moralist.) Obviously the task then becomes to grasp, to feel, to scent, instinctively to guess, to ferret out, what in fact the real meaning is. But we can never read any one's soul directly, only indirectly, by analogy or by sympathetic insight on the basis of the contents present in our own consciousness. Hence the proverb: "*zoals de waard is, vertrouwt hij zijn gasten*" ["The inn-keeper trusts his guests according to his own character"]. Among such high gentlemen as Sassonof and Grey discussion is a fruitful amusement only when one is in a position by affinity of soul to comprehend them, and to fathom their designs. It argues nothing against the ethical quality

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of German diplomacy if it plays a losing game—on the contrary! There seems but one way out: the Germans should select as diplomats men of *great imagination*, who can transport themselves into motives and thought-processes which are almost entirely foreign to their own minds. The point seems of the highest importance.

All well and good, somebody will say; but, if the Germans stand ethically so high, whence, then, the general dislike? Should they not rather inspire love and admiration?

No. The question is a witness to our naive optimism: great qualities do not always make one beloved in this world—rather the reverse. This is something all great men have always known. Read, for example, in Ernest Hello's *L'Homme*, the chapter "Le Monde" (pp. 108-118). What an army of foes, for example, the love of truth can accumulate for us! Goethe knew: the truth-speakers

"Hat man von je gekreuzigt und verbrannt."

In two ways a man can bring general hatred, open or secret, down upon his head: by standing below or by standing above the average level. Below the average level Germany certainly does not stand. The conclusion may be left to the reader, who, after all the foregoing, will concede, I trust, something of my contention for the high moral level of this nation. And in the smelting furnace of this

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tremendous war its spiritual qualities are destined to become yet stronger.

Yet the proof of moral genius is scarcely presented by all this. *It cannot be presented a priori.* It is one of the most difficult elements in the life of genius that it is a tree which can be known only by its fruits.

But let me make a reference to one point: the oft observed *readiness* of the Germans *to oblige* [*grootte toegefelijkheid*]. It may well go too far on occasion. The average individual is not obliging [accommodating], because he has no criterion of the essential and the non-essential. The genius can permit himself—and often gladly does permit himself—to be obliging in all things *that do not imperil his spiritual vocation*. His stubbornness first begins when first his *personality* is involved. And here let me call attention to the concluding words of the above citation. The Chancellor did not say that Germany was fighting for her existence, but for her “Highest and Best.” I make free to translate the expression thus: “for her spiritual, her ethical, vocation.” In any case,

“Das Leben ist der Güter höchstes nicht.”

Furthermore one might ask here if Germany's contribution to law does not already show achievements of ethical genius. I cannot answer in my

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present lack of adequate knowledge. The question would, moreover, lead us too far.<sup>5</sup>

So I will content myself with a reference to Hermann Cohen's authoritative wartime address *Ueber das Eigentümliche des deutschen Geistes*. This venerable patriarch of the Marburg school, himself in lineage and still in religion (p. 23) a Jew, but knowing himself one with the German people in a higher cultural fellowship, speaks (p. 4) expressly of the "world-historic originality" of that people, and that means in his mouth in the first instance *ethical* originality. "This freedom of moral thinking and of the conscience became thus the historical character of the Reformation. And it is, perhaps, more than all other historical symptoms the most indubitable mark of the German spirit" (p. 23).

As manifestations of ethical genius he cites the creation of the German military organization by von Clausewitz and his associates under Kant's influence,<sup>6</sup> the immediate introduction of the universal franchise for the Reichstag and German initiative with respect to social law-making (pp. 32-35).

"That which people reproach us for under the accusation of militarism is aimed chiefly at the

<sup>5</sup> Read, especially, the estimate of Germany by the Swede Rudolf Kjellen: *Die Grossmächte der Gegenwart*, 1914. For the Prussian code see above, pp. 67-68.

<sup>6</sup> Is it not a typical specimen of ethical narrowness that England has not been able to decide for universal military service, no matter how clearly necessity demanded it?

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fact that in Prussia this idea of universal suffrage has not as yet been realized." I'll permit myself a marginal note here. May not this retention in Prussia of a franchise, unquestionably out-of-date, have been occasioned in part by the fact that in this franchise there is present to a certain extent another very important principle—namely, the organization of individuals according to their trades and professions? All—except those who don't work—having full rights, yet not as individuals but as *workers*, and all in the first instance politically effective in their *natural* group, the fellowship of their calling—that is, I take it, the basis of the state of the future. Prussia has realized the one factor, the German Empire the other. Neither is adequate by itself alone. See, e. g., as to the Reichstag the bitter judgment of H. S. Chamberlain, *Kriegsaufsätze*, pp. 38-40. (What people speaks with such disconcerting objectivity, so "*kühl bis an's Herz hinan*" with regard to itself?) It is to be expected that Reichstag and Landtag<sup>7</sup> will in the future both be refashioned in the sense above mentioned. (See p. 70.)

In any case only the future can pass final judgment in the suit of Belgium versus Germany. Germany has taken upon her shoulders the guilt of wrong toward Belgium and in Belgium toward mankind. The essentially tragic character of that

<sup>7</sup> [Parliament of a single one of the German states.]

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guilt can only be definitely established, if Germany in the future gives convincing evidences of ethical genius. For only upon this ground can her self-preservation—in service of the moral vocation of genius—be of more value than Belgium's personality, which has been violated, but which, as a part of an ethically requickened mankind, should receive in the end full recompense for the wrong.

It may well be that the reader is by this time prepared to suspend judgment and to leave it to the future to administer justice to Germany. "Vengeance is mine, saith the Lord." It is England's moral guilt that she did not leave the "vengeance" to God, but took it in hand herself, and that too not out of righteous indignation, but with her eye upon a personal advantage—that, besides, would have been adequately guaranteed by the promise of redress for Belgium, which Germany would only too gladly have given.

IX.

IT remains now to examine more closely, in the light of all the foregoing, the case of Belgium versus Germany; and I shall now start from the hypothesis that Germany is a state, which, like the old Roman state, possesses the quality of moral genius, that she is, in a word, the sound, fertile and creative moral kernel of Europe, wholly dedicated to the vocation of putting her power at the service of the moral ideal, through creating and renewing Law on the one hand, and on the other through creating the further conditions for the unfolding of a free morality.

It is clear that such a state cannot fulfil its moral vocation, unless certain conditions of an obvious sort are also fulfilled. In the first place, it must *continue to exist*; in the second place, it must exist under such circumstances as are indispensable for its work. It shares this dependence with every genius: even the greatest genius must be able to live and must find the conditions for its proper functioning; otherwise it perishes useless.

It is furthermore clear that it is not merely for



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the benefit of the state itself that the conditions aimed at be fulfilled; on the contrary, the fulfilment has a social interest for all mankind, and indeed the very highest, mankind's one essential interest: the realization of the moral ideal. For this interest, sacrifices can be required of all other states; and, if their knowledge of the facts were great enough, their insight deep and their ethical will strong and earnest enough, they would then be glad to make them of their own free will. (To be sure, the necessary knowledge is impossible of complete attainment, as it is only subsequent events that can decide upon the quality of genius; in lieu of these, we have to rely on intuition and faith.) If the insight and the will are not present, compulsion is unavoidable, just as a father has to use compulsion on his undeveloped children—not for his own good, but in the final purpose for theirs.

And we now have here the delimitation which von Treitschke's theory requires. It holds only for the state with ethical genius. Inasmuch as von Treitschke by "the state" always meant Prussia, and believed in Prussia as in God himself, it is no wonder that he never became aware of the delimitation.

In conclusion: is now this duty of the vocation of moral genius absolute? No. Here, too, the moral consciousness sets bounds. An individual of genius may not, even for the sake of his vocation,

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annihilate physically or spiritually another individual who does not aggressively threaten him (Dostoiewsky, *Guilt and Punishment*),— for the possibility of reconciliation, of participation in the values when realized, is then destroyed. Therefore, at the time when Belgium had not manifested an active hostility, Germany had no right to annex her, as the German ultimatum, indeed, clearly indicated.

Now what was the complexion of affairs for Germany at the beginning of August? She saw herself exposed to serious danger, if not of destruction, at least of long and vital impairment of those conditions, under which she had to follow her moral vocation, her "Highest and Best." She had one chance of getting the upper hand: to utilize the advantage of her wonderfully organized method of mobilization and to anticipate the foe. To make full use of that advantage was entirely her right,— for in this very organization abides a wealth of valuable moral qualities; and, with might against might, any moral factor that gives one the upper hand is not only morally defensible but an imperative duty. However, to use that advantage, she had to pass over Belgian territory. Over against the duty toward her own moral vocation, rose that of respecting another state's personality. After all the foregoing, I now express the firm conviction: *it was*

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*unavoidable that the last-named duty should yield to the first.*

Germany strove at first to bring about a compromise, an adjustment, between the two duties. In the ultimatum to Brussels on August 2,<sup>1</sup> on the one hand an unhindered passage was requested, but on the other, the integrity and subsequent independence of the kingdom was guaranteed, if Belgium's attitude remained friendly, and the promise given, besides, that the country would be vacated immediately after the war, all requisitions paid for in gold, and all damage made good.

Only after the refusal on Belgium's part did the moral conflict take on the acute form of a complete suppression of the lower duty by the higher.

There exists a peculiar symptom that England in her "heart of hearts" is after all not entirely content with her behavior toward Belgium. I find that symptom in the fact that an Englishman has found it necessary to present to the unhappy knight errant, King Albert. . . . a book, the *King Albert's Book*. It was, for a fact, the time for books! And what a book! Shakespeare would have said of it: "Words, words, words." It is an extraordinary compilation, contributed to by all sorts of celebrities, some also from other countries. More false feeling, hollow pathos, and hysterical exaggeration I have seldom seen between two covers. Every one who possesses

<sup>1</sup> German "White Book," No. 41.

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the least moral instinct must perceive here the un-genuineness, the untruth. The lack of a real, a deep earnestness appears even in the outward form: all sorts of reproductions are interspersed, of which the majority have nothing to do with the matter in hand, and which give the whole volume the fraudulent appearance of a supplementary number of the *Studio*. That is no good cause which brings forth such things. The Germans at this moment are not making people presents of elegant books.

But Belgium, too, was in an ethical conflict. She had on the one side the duty to preserve intact her state's personality, on the other side the higher duty, complementary to Germany's higher right grounded upon ethical genius, to put her territory at the service of the march to France along the natural and shortest route. As an individual state she had the former duty; as a member of the *Society of States* the second. The concept of the Society of States and of the duty of all its members to make sacrifices for its highest ethical interests was here the newer concept in strife with the older one of the individual state and its duties. That our "feeling" sides with Belgium (see above) is entirely in accord with this ethical situation. *We must sooner or later learn to think and to feel according to the higher morality, which Germany by her epoch-making deed has thus inaugurated.* According to

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this morality, states are no longer isolated entities, wholly based upon themselves, but members of a Society which lays down new rights and new duties—duties, which, e. g., in the case of a land that has been stamped geographically by nature herself as a strategic thoroughfare, take on, as a matter of course, the form of the particular duty to lay in the path of the more ethically endowed contestant, in the decision of an epoch-making suit whereon its very life depends, no artificial hindrances,—hindrances which still recall the spirit of the Holy Alliance that imagined it could fashion historic reality by ingenious tinkering.

So in the end one should come to perceive in this very act of the violation of Belgian neutrality an ethical new-creation, and thus a proof of ethical genius. The deep tragedy of the situation for Belgium—and in a way her justification, besides—was the fact that, in order to take the right course, she would have needed to possess an intuition of the ethical genius of Germany. And this requirement was naturally beyond her power. Genius can never be comprehended by the lesser; that lies in the nature of the case. Yet reality punishes us for the absence of the insight that the given moment demands, even though we were unable to possess it.

A word, finally, on the significant purport which this whole trend of thought has for the foundations

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of international law. International law is, as we have seen, properly no law at all, since it lacks the essential characteristic of *compelling authority*. It is just as little an entirely free morality, since it contains fixed rules, whether originating in custom or in deliberate international formulation. It is a sort of intermediate affair between law and ethics, a moral code,—formulations, the same for all cases, of what morality commands on definite points, or at least is supposed to command.

Thus it performs the service of every moral code: it reduces the experience of free morality to rules which can become a guide of conduct for the weaker brothers, the unfree ones. It shares besides, however, the difficulty implicit in every moral code: its rules, to which the multitude ascribes an absolute validity, must ever be in concrete situations of quite as little absolute validity as any ethical duty. If this is not perceived, the door is opened for wranglings and diplomatic notes without end, and statecraft becomes

“höchstens eine Haupt- und Staatsaktion  
Mit trefflichen pragmatischen Maximen,  
Wie sie den Puppen wohl im Munde ziemen.”

But the difficulty is doubled if, in addition, the rules established are founded upon a *fiction*, a fiction which is in flagrant contradiction to reality. National jurisprudence is also founded on a fundamental fiction, i. e., that all individuals are of equal

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importance: "The equality of all before the law." This is without danger, as the law requires of us only an ethical minimum, which the vast majority can fulfil without difficulty, while the repression of the less worthy minority is precisely the intention.

In international law this is not so. It ordains no ethical minimum, but gives the full measure of that which is to be considered moral in the intercourse of states. It pretends to an entire control of the actions of states. If the fundamental principle is here fictitious, then that intercourse is falsified.

The fundamental principle *is* fictitious. It consists in the supposition that all states as such are of equal value. That is not true. One state is more a state than another, and manifests in a higher degree the double characteristic of the state: power in the service of an ethical vocation. Not all states are alike powerful; not all states stand upon the same moral level.

Thus, international law can well proceed upon the supposition that all states are equally justified, and have equal claims to sovereignty; but it can do so only at the cost of falsifying reality.

The difference in power is ethically not indifferent: it is entirely justifiable for a small state to give up some of its sovereignty, the better to achieve its ethical vocation. It then gets substantial ethical possessions in exchange for its formal independence. That is possible also without complete unification

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with the other state, although Bavaria, for instance, is not likely to repent of the step of 1871. This reflection can become for our own country practically of exceeding significance.

Theoretically of more importance seems to me the difference in moral level. That a state such as Servia is accorded full and regular membership in the European company of states, is a mockery of reality, and in addition a symptom of defective moral earnestness. It has had, too, the most disastrous consequences. It is noteworthy that, in the matter of the Austrian demands which touched the formal Servian sovereignty, it was not once during the negotiations asked simply, whether the concrete reality did not render it very just and very necessary to make those demands. Those demands conflicted with the Servian sovereignty—and that was enough. So a concept, a word, the now once formed abstract term “sovereignty,” provided Russia with her “*cheval de bataille*”—for all that, however, only too practically useful for her own designs. Will we never learn not to fumble with words, but as rational, moral beings to operate with the naked reality itself? We must *think* in concepts. Is it thereby affirmed that we must slavishly *act* by concepts? Is not all acting concrete? It is true that reality makes much harder demands than the world of thought. Shall we ever learn to meet them? One thing is sure: the average rational and moral



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level will have to be a good deal higher than it is now. At present, our practice, in the bonds of our always inadequate concepts, like a hobbled child shuffles weakly forward—and after all perhaps that's just as well.

AS already observed, I have thus far disregarded the mitigating circumstances cited by Germany; partly, because only by so doing could I insure for the argument its complete theoretical force; partly, because it appeared also practically most desirable to show that even with the utmost moral severity toward Germany we can pronounce at most a *non liquet*, and not a condemnation.

But now both justice and completeness of treatment require some attention to Germany's own defence.

This defence rests upon two contentions: the French attack, and the Belgian connivance.

The former was immediately cited, the latter only sometime later.

1. *The French attack.* On August 4, the Imperial Chancellor said: "The French government has indeed declared at Brussels its willingness to respect the neutrality of Belgium as long as the enemy respects it. But we knew that France stood ready for the attack. France could wait, we could not! A

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French attack upon our flank on the lower Rhine might have been fateful.”

And a number of facts are cited by Germany, from which it would appear that France had already actually begun the attack by way of Belgium. Thus according to French wounded, a regiment of French soldiers had been brought to Namur<sup>1</sup> as early as July 30, 1914; the town of Erquelines had been occupied by French troops before the outbreak of hostilities; French airmen had flown over Belgian territory; an automobile with French officers had undertaken by way of Belgium a first stroke on German soil.<sup>2</sup>

With regard to these facts, which are as positively denied by the opposing party, I would submit: (1) that they are not sufficiently proven, (2) that, even if they were, they would be inadequate to establish the conviction that France had in fact the design, not simply to construe Belgian neutrality somewhat loosely, but *to make by way of Belgium a vast strategic attack upon Germany*. Yet that is the contention. The facts mentioned are, I think, to be viewed as nothing more than an almost acciden-

<sup>1</sup> Dr. Neukamp in “Deutschland und der Weltkrieg, dargestellt von deutschen Völkerrechtslehrern”—“Sonderausgabe der *Zeitschrift für Völkerrecht*,” Band VIII, Heft 6, p. 10.

<sup>2</sup> O. Nelte, “Die belgische Frage,” *ibid.*, p. 205. The German ultimatum to Belgium speaks only of “the intended advance of French warring forces on the Maas between Givet-Namur,” which “leave no doubt as to the intention of France to march on Germany through Belgian territory.”

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tal boiling-over, here and there, of the brimful seething kettle; they do not prove that the kettle was, by intention, soon to be poured out, or *a fortiori* that the pouring-out had already begun. The contention seems to me, moreover, considering the whole situation, in fact without much initial plausibility. It is true that Belgium was through and through French in her leanings, and presumably would not have seriously opposed a French passage. And we do not know what influence the expected help of England presumably had upon the French frame of mind. Yet, notwithstanding, is it thinkable that France would ruin the game of her ally, who had now selected the neutrality of Belgium as her very *casus belli*? Moreover, what benefit would the whole business have been to France? Secure behind her well-fortified eastern boundary and behind Belgium, with no enemy at her rear, she could indeed wait—*France could wait*, we could not—and she would have committed a blunder if she had ventured prematurely into the field. Every day's delay was for France a gain, for Germany an irretrievable loss. I believe that, on precisely the ground of an *absence of benefit* in attacking, we may well assume that it was the intention of France *to maintain a waiting attitude*.<sup>3</sup> If Germany had done the same,

<sup>3</sup> Cf. André Weiss, *La violation de la neutralité belge et luxembourgeoise*, p. 23: "Furthermore, what interest would France have had in carrying invasion and war into Belgian territory, without having been provoked thereto?"—Quite right!

there would then have arisen a situation where each would have been defiantly laying for the other. That Germany did not, *could* not do so, lay not in the attitude of France, but in the menace of Russia in her rear: "France could wait, *we could not.*" There is really a contradiction in the explanation of the Imperial Chancellor: (1) France stood ready for the attack; (2) France could wait. The second, though of course logically not inconsistent with the first, cancels its significance practically, and precisely on this account it becomes clear that Germany's real reason for entering Belgium was not the attitude of France but the critical situation in which Germany found herself. The critical situation, born of the Russian danger at her back, rendered it *imperative* not alone to be beforehand as to a possible attack from France, but no less, by means of the strongest possible offensive, to use to the utmost the advantage which her superior system of mobilization bestowed. That is the fact and there is no earthly reason for dodging it. Germany *could not wait*; and on this account, and on this alone, she marched forth.

The plea of *self-defense*, as argued for example by Professor J. Kohler,<sup>4</sup> will *not* do because the actual basis, the attack itself, is lacking. Professor Kohler, indeed, admits this implicitly in the statement: "Every one has the right to ward off an un-

<sup>4</sup> *Notwehr und Neutralität*, pp. 32-36.

justifiable attack, and, furthermore, he need not wait till he is struck; he has the right to fall upon the fellow who intends striking, and to cut him down or shoot him dead." Is that so? Can one speak of self-defense in a case of mere prevention? The drafter of our Criminal Code<sup>5</sup> in his comments on art. 41 proves to be of another opinion. "There is no state of self-defense without (1) unlawful assault, (2) imminent danger to one's own or another's body, honor, or property, (3) necessity of the committed action, as the one and only protection against the danger actually occasioned by the assault." With respect especially to the first point, I should say that the fact of the attack would then have to be actually present; since, otherwise, there is necessarily a lack of the indispensable complete certainty that the attack will really take place. Any one who in such a case becomes preventively the aggressor acts presumably with entire ethical justification; but he does not act in self-defense [*noodweer*], but at most in *distress* [*noodstand*], where the duty of self-preservation calls louder than usual.

Moreover, the self-defense theory needs a *supporting theory* to explain the fact that the assault was not upon the understood aggressor France but in the first instance upon the neutral third party Belgium. On this matter, Professor Kohler says

<sup>5</sup> Cf. Mr. [=Meester] H. J. Smidt, *Geschiedenis van het Wetboek van Strafrecht*, I, p. 377.

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(p. 33), that, by virtue of the aggressive attitude of France, the Belgian territory—the “precincts” of the third party—*became an instrumentality for the attack*: “But I have a right to render instrumentalities of attack inoperative, even when they belong to an innocent third party; anything that is useful for the attack, however innocent in itself, falls under the law of self-defense and actions of self-defense.” And he makes this comparison: If I am shot at from a house of a third party, I may shoot into that house.

But I really think that the German cause is badly served in such fashion. *Omnis comparatio claudicat* [Every comparison limps], but this one so badly that it ceases to have any value at all. It would be in season, if the act to be defended consisted simply in the fact that Germany had violated Belgian neutrality only on a small scale, i. e., by way of a “simple passage” through some outlying relatively unimportant section. Such slight violations are considered admissible by all exponents of international law.<sup>6</sup> Here, however, the affair is of so much more serious sort that (to use the Hegelian expression) quantity changes into quality. Here it is not the Belgian *house*, but Belgium herself, the personality of the Belgian state, that is assaulted

<sup>6</sup> K. Strupp, *Vorgeschichte und Ausbruch des Krieges von 1914*, p. 189, where he quotes a remark of Lawrence: “extreme necessity will justify a temporary violation of neutral territory.”

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and made *continuously* to serve the German purpose. And for this—see above, p. 42—an appeal to self-preservation in distress does not suffice, because the personality of the Belgian state is not *a priori* inferior to that of the German, and no one free personality may be used merely as a means to another's end.

The question ought, then, to be put thus: if a possible attacker shields himself behind a third *person*, what right have I over against this third?

The answer ought to be, I think: if the third person is innocent, impartial, and implicated without his consent, then I am obligated to spare him, unless there exists between him and me a difference in value not only quantitative but qualitative—as here the quality of ethical genius—that renders my self-preservation objectively of greater moment than his being spared.

*If the third party is innocent.* If he is not, and I know it, then this fact exculpates me, if I treat him as an enemy or at least do not spare him.

So we come to the second point.

2. *The Belgian Connivance.* One can find all the facts, with the documents in facsimile, under two covers in the German official publication, *Die belgische Neutralität*. We know them of course in substance from the so-called "*Brüsseler Dokumente*." They show the following:

1. In 1906 Belgium had entered at England's sug-



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gestion upon very detailed discussions of Anglo-Belgian cooperation in case of war. The English army was to land at *French* ports, from which it appears that France too was implicated in the affair. England, for her part, emphasized that "our conversation was absolutely confidential."<sup>7</sup> Diplomacy too was bestirring itself, as appears from the report of April 10, 1906, of the Belgian General Ducarne to his government, and especially from a letter dated December 23, 1911, of the then Belgian envoy at Berlin, Baron Greindl, who warned his government most earnestly of the consequences of such politics. The document of 1906 lay in an envelope with the significant label "*Conventions anglo-belges*" [Anglo-Belgian *Agreement*].

2. The discussions comprised under (1) expressly referred only to a possible case of German violation of Belgian neutrality and Belgian request for assistance against such violation.

From a second document (of 1912), it appears, however, not only that the discussions were still going on, but that now England flatly declared that in any case [*"en tout état de cause"*], troops were to disembark in Belgium, since Belgium would not be in a position to resist the Germans. In the course of six years the relation of Belgium to England was evidently becoming continually more dependent. This jibes entirely with an utterance of Lord Roberts

<sup>7</sup> [Quoted in French.]

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in *The British Review* of August, 1913, concerning the situation at the time of the Morocco crisis in 1911: "Our expeditionary force was held in equal readiness *instantly to embark for Flanders* to do its share in maintaining the balance of power in Europe."

3. There were found, furthermore, a lot of blanks intended for English requisitions in Belgium; four parts of a purely secret handbook prepared by the English general staff in cooperation with Belgium; finally, on the person of the English embassy-secretary, Grant Watson, arrested at Brussels, a number of other documents: which, taken together, furnish the logically indisputable proof that there had existed for years an Anglo-Belgian cooperation in preparation of a campaign in Belgium.<sup>8</sup>

What relevancy has this fact for the moral judgment?

As far as concerns *Belgium*, it constitutes an utter abandonment of her neutrality duties—which certainly permitted no partizan relationship. Even if we grant that her neutrality seemed endangered from the German side, still by binding herself hand

<sup>8</sup> The defence of the Belgian government, which appeared only at the beginning of March, contains nothing substantial. It is, to say truth, a suspicious mixture of French "*phrase*" and English "*cant*." The content is to be found also in Emile Brunet, *Calomnies allemandes. Les Conventions anglo-belges*. It is not worth while going into particulars. For an impartial judge the proof is adequate; though it can convince no one, of course, who doesn't want to be convinced.

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and foot to the other party, which on its side flatly announced its intention of operating in Belgium even without her consent, she pitched matters so much from the frying-pan into the fire that we can interpret her conduct not as a mere mistake, but as guilt pure and simple. Belgium might have been already warned by her moral sense when she perceived in 1906 that the conversations were *absolutely confidential*, in other words, were not to be communicated to the other guarantors, especially Germany. This was self-evident, for otherwise they would have been without meaning; yet *for this very reason* her unlawful procedure is patent.

The sympathy we feel for Belgium is, since these revelations, not free from that nuance of hesitating condescension which our pity takes on when it is hampered by an absence of intellectual and moral respect. What a well-nigh inconceivable fact, besides, that these documents were left behind!

For the ethical worth of England's attitude, for her utilization of the Belgian question as *casus belli*, this affair is the death-blow—(if such were still needed)—*la mort sans phrase*.<sup>9</sup>

<sup>9</sup> The *Times* of March 8 throws the whole fiction overboard. This sudden, cynical unmasking is truly astounding. Up to that time people had left the truth on this point to Mr. Bernard Shaw (*Common Sense about the War*). There must be a very definite reason for the *Times* adopting Shaw's role now. But what? The matter makes an "uncanny" impression—as if the English people were losing all inner control, all sense of proportion and right. Is it, indeed, that we are really living to see the beginning of an end?

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But for the judgment on Germany's attitude toward Belgium's neutrality—and that is ultimately our point—the Brussels discoveries are *entirely indifferent*. Indeed, for any moral judgment on an action, the question is not what circumstances *were objectively given*, but how these circumstances *were subjectively conceived*. That Germany *later on* acquired knowledge of the real situation, in no sense alters the fact that she acted in the first instance *without such knowledge*.

Or is this last, after all, not so? Were there found at Brussels merely official proofs of what was actually already known? If so, then the Chancellor's speech of August 4, 1914, that made no mention of this all-decisive point, is no longer simply a Quixotism, but downright clumsiness.

We are now often given to understand by Germany, that, in truth, "the discovered manuscripts but furnish the documentary proof of Belgian connivance with the Entente-powers, a fact known to the authorities long before the outbreak of the war."<sup>10</sup> So, too, in *Die belgische Neutralität*, p. 5: "The Imperial Chancellor did not know as yet, *although he already surmised*, that he had a right to employ quite different language."

But assertion is not proof. If Germany wishes our moral judgment to accept, among the motives

<sup>10</sup> Dr. H. F. Helmolt, *Die geheime Vorgeschichte des Weltkrieges*, p. 63.

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for her conduct, the fact also of the English-Belgian entente, she must then make clear by pertinent evidence that the fact was known to Germany at the beginning of August, 1914.<sup>11</sup> Such a proof would lead at once to acquittal. Otherwise, the case rests where my main argument left it, *non liquet*; though personal faith in Germany's vocation subjoins to this a conviction that the future will bring the full moral reconciliation and consequently the acquittal.

I feel, however, that even this may not be the last word. Life often presents situations, profoundly affecting our interests but kept hid by the other party concerned, of which we have not the least objective knowledge, but rather a sort of intuitive, practical certainty. An excellent example is conjugal unfaithfulness. One may know nothing and yet be in mind and soul thoroughly convinced.<sup>12</sup>

<sup>11</sup> The Chancellor's speech of December 2, 1914, plainly indicates that the Anglo-Belgian connivance was brought into the discussion *officially* not to exonerate Germany but to set forth the real nature of England's motive in the war.

<sup>12</sup> Of course there are usually some factual indications too. In the present case, for example, the disposition of the Belgian fortifications, the Belgian fear of German industrial competition, the general leanings to France and the strong anti-German sentiment in Belgium. Compare the warm and meaty composition of Conrad Borchling: *Das belgische Problem* ["The Belgian Problem"] (in the series, "Deutsche Vorträge hamburgischer Professoren" ["German Lectures of Hamburg Professors"]). There, for example, p. 5: "The way our opponents conceive this neutrality may be most strikingly summarized in the proposition formulated by the Paris newspaper, *Le National*, on November 16, 1834: 'The day will come when the neutrality of Belgium, in case of a European war, will disappear before the will of the Belgian people.... Belgium will

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If in such a situation there comes a moment when one *has to* act, then those who ail from Hamlet's "pale cast of thought" will hesitate, consider, weigh . . . and, as a reward for their moral earnestness, be knocked over by the other party and treated by the bystanders with ironic pity and contempt. Such crises require the free, firm hand of genius, the courage to "go to it," with the old sailor-prayer "*God zegen de greep*"<sup>13</sup> ["God bless the grip"], and to break through the cobweb of lies, at the risk of committing some great and irretrievable wrong. But the genius of the act lies precisely herein that the actor is, in ways beyond reason, *convinced* that this risk is slight. I believe that this sort of genius is one of the most indispensable factors in a great statesman.<sup>14</sup> We miss it in the all too conscious reasonings of the Imperial Chancellor.

So we are beginning to doubt, too, if it looks well

range herself naturally on the side of France!" [I'll copy this important and little known citation in the original: "*Le jour viendra où la neutralité de la Belgique, en cas de guerre européenne, disparaîtra devant le voeu du peuple belge. . . . La Belgique se rangera naturellement du côté de la France!*"] Is it not, taken all in all, truly marvelous that the English presentation has made such easy way into men's minds? How well she knows her public. . . and how she must despise it. Was there really any well-informed person to whom Germany's appearance on the scene offered anything for shocked surprise? Would not Sir Edward Grey in private gladly entrust his last penny to the Imperial Chancellor? Can he look Mr. Asquith, his fellow-augur, in the face without laughing?

<sup>13</sup> [I. e., the *grip* on the oar, rudder, rope, or possibly some weapon of attack.]

<sup>14</sup> Cf. Frederick the Great in 1756.

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for Germany to make the effort to present the above-mentioned proof—her “reasons grounded in knowledge.” Perhaps H. S. Chamberlain<sup>15</sup> says here the right word: “Nor do I consider the explanations and excuses now eagerly proffered at all happy. They will only breed more insolence. *Qui s’excuse s’accuse* is one of the truest sentiments ever uttered. Do what is right and let the outsiders take it out in talk! How fine would it have been if the Germans had, after a brief notification, simply marched into Belgium. What good did it do to interrogate England and to offer apologies! The initiated knew then already what the whole world knows to-day. Everything was bound to be cleared up soon enough, and the effect would have been much greater, if the authorities had kept in dignified reserve. For the same conflict that had happened before was at issue now, the contest, as Carlyle puts it, ‘between noble German veracity and obstinate Flemish cunning.’”

<sup>15</sup> Houston Stewart Chamberlain, the brilliant, somewhat too “Pan-Germanic,” English-born and French-educated German author of widely known philosophical works. Labberton cites from his German text, *Kriegsaufsätze*, p. 93. The version above is not my translation, but Chamberlain’s own English from his English pamphlet *England and Germany*—distributed gratis by him “for readers in neutral countries.”]

**I** ANTICIPATE another objection,—relatively justified and hence demanding some discussion. A moral right over against another person can only rest upon a moral duty of the person acting, for the performance of which that right is indispensable. Can the moral right of war be established? Is war, is this war, for Germany a moral duty?

In these last words I've split the question into two. But the former, the moral justification of war in general, *is* no question. War is an action, an action of a state; and actions in themselves are neither moral nor immoral. Moral or immoral is alone the will which expresses itself in the action. War is the necessary, the only possible result of the clashing of the irreconcilable decisions of two national wills. If two national wills—or two individual wills—come into conflict with each other, there are then three possibilities: one gives in; both give in in part so that a compromise results; or the one will breaks the other with all the instruments of power whose use is not forbidden by the moral consciousness—and let it be here remembered that the



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moral consciousness knows no fixed rules, but only concrete actions. If the state is a wise state, it will then look into itself to see whether its decision is essential, i. e., whether its decision touches its moral vocation. If that is not the case, it gives in, wholly or in part (as Germany did more than once). If the state is foolish or bad, then it will hold fast—and without compelling inner reasons—to its initial decision, and strive to put that decision through on lower grounds of passion (as France) or of self-interest (as England). Such a war may be foolish, but it is not, as such, necessarily immoral. For it has, indeed, a goal beyond itself; it is means to solution of problems, means to world-forming. Only absolutely immoral is war for war's sake, for the sake of nothing else than the direct result of war, namely, the weakening of the opponent,—with whom no concrete differences existed, but whose power stood simply in the way of ourselves—of our egotism—without, as such, thwarting our *vocation*. That is the type of wars that England again and again has unleashed upon the continent—and, for the most part, to boot, left for her allies to fight out, and so got double profit.<sup>1</sup>

But, as we have seen, for the wise state, too, the possibility that war may result is by no means ex-

<sup>1</sup> [*Zoodat het mes van twee kanten sneed*, "so that the knife (Engl. ax) cut both ways," but in English the proverb has come to mean often "to get hoist with one's own petard"—a very different matter!]

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cluded. This we can find—as everything else—superlatively expressed in a little poem of Goethe's:

“Was euch nicht angehört,  
Müset ihr meiden.  
*Was euch das Innre stört*  
*Dürft ihr nicht leiden.*  
*Dringt es gewaltig ein,*  
*Müset ihr tüchtig sein:*  
Liebe nur Liebende  
Bringet hinein.”

War becomes a lofty, an unavoidable duty which it were perdition to shirk, if “the inner life” is threatened. But aggressive war may also be an ethical duty. For the ethical, the moral urge within us is in its deepest nature *expansive*: it is not satisfied with its own ethical completion [*volmaking*], but is inexorably driven to work, besides—as far as in its power—on the completion of the whole world.

It will remain eternally “idea,” never fully to be realized here upon earth; but it strives unceasingly thitherward. It is prompted by the fulness of its being to labor, according to its abilities, for the establishment of the divine, for the “Incarnation of the Word,” though the fulness of its kingdom is not of this world (see the conclusion of *Faust*, II).

So, in considering the existence of war, I come practically to the same results as does Steinmetz in his *Philosophie des Krieges*, though upon other grounds. I believe that only the man whose sense

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of reality is so developed that his ethical insight has led him into the mysterious deeps of personality can fully understand war in all its vast and sublime, its fated unavoidability. This insight is *toto coelo* different from the romantic-mystic glorification of war, which had been tried out before. It glorifies war least of all; it views war as a most heavy and terrible *task*; it is not romantic, but realistic. And, finally, I believe that Professor Steinmetz, if he came to think the ethical side entirely through, would come really to the same insight; indeed that he really proclaims the same,—

“Nur mit ein bischen andren Worten.”

On pages 7 and 8 of his *Philosophie des Krieges* we read: “Social utilitarianism in the deepest sense would be then the real content of all morality;” and “evolutionary utilitarianism in the deepest sense, enriched by the ideal of race, constitutes the highest and broadest ethics which we can conceive, the only ethics, moreover, that can satisfy us critically.”

But for me this ethics is not in the least critically satisfying. Utilitarianism, as against formal ethics in the sense of Kant, Lipps and Heymans, is to this extent the same that it seeks for ethical *values*; but it is not the same, where it purports to be able to reduce the values all to social utility. I may consider myself excused from a specific critique of utilitarianism. Plenty of such critiques are ready to

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hand. In reply to Professor Steinmetz it is enough to point out that it is simply impossible to "enrich" utilitarianism with any ideal whatever, without essentially canceling it past recovery. An ideal, a Platonic-Kantian "idea," operating in the world of concrete reality as an urge, as "*dunkler Drang*," concerns itself not with utility, not even with social utility—albeit in "the deepest sense"; but simply and solely with its own realization, for the very sake of that realization, without additional utilitarian considerations, without hope of reward.

Therefore, when Professor Steinmetz abandons utilitarianism as even for him untenable, when, besides, he sets, in place of his "ideal of race," the general moral ideal that includes all ideals, and hence also the ideal of race, we are then entirely agreed.

But what is the moral ideal in its fundamental demand, as made not concretely upon an individual, but in general upon the whole world? We are *unable* to tell. It appears in the creative activities of living, in the slow onward weaving of

"Der Gottheit lebendiges Kleid."

It is, as Stefan George once so profoundly said<sup>2</sup> in a sort of dialogue with the moral ideal:

"Du sprichst mir nie von Sünde oder Sitte.'—  
'Ihr, meine Schüler, Sprossen von Geblüt,  
Erkennt und kürt das Edle unbemüht,  
*Auch heimlich bin ich Richte eurer Tritte.'*"

<sup>2</sup> *Der Teppich des Lebens*, p. 21.

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Again, no one can tell how a morally ideal world would look as to content, since *ethical wisdom*, the knowledge of values, can arise only in and through the historic process of becoming. But as we do know the nature of *ethical intention* [*gezindheid, feeling*],—so brilliantly analyzed by Professor Heymans,—we can tell how it would look, as to form. It would manifest this characteristic: that then all states would in practice “have become objects to themselves” [German, “*zum Objekt geworden*”]; that means, they would, every instant with entire free-will, assume such place and such influence in the whole order as befitted their moral worth—whatever it were—for the sum total of the Community of States. Only when this condition is fulfilled, will warfare be necessary no more. “*Einstweilen,*” however,

“Einstweilen, bis den Lauf der Welt  
Philosophie zusammenhält,  
Erhält sich das Getriebe  
Durch Hunger und durch Liebe.”

The war now raging, for instance, could only then have been prevented, if England, recognizing that Germany as a member of the Community of States possessed a greater value than now in her actual position was accorded her, had then of her own free will made room by yielding something of her own overplus of place. Let one once try to think his way into this conception; and, when he

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reacts with the judgment "that is unthinkable," he has then at the same time thereby pronounced logical and ethical sentence upon every form of pacifism,<sup>3</sup> and the situation continues to remain, as presented in Goethe's words:

"Träumt ihr den Friedenstag?  
Träume, wer träumen mag!  
Krieg heisst das Losungswort,  
Sieg, und so klingt es fort...."

<sup>3</sup> There is a certain Paul Otlet, who has worked out, in the midst of beleaguered Brussels, a "*chart mondiale*" ["world-chart"], down to all details, to regulate the whole world for all future times, without possibility of further strife! It is scarcely possible to understand what's going on inside the heads of such fellows. They are simply children, physically grown up, who in the midst of the stress of reality continue to play with their toys. (*La fin de la guerre*, 1914). At bottom his method is that of the Congress of Vienna, whose work....resulted in a whole series of wars!

## XII.

THUS far on the moral right of war in general. But this particular war? It is remarkable how the question as to the moral right of the parties is met by almost every one in identical fashion with the question: who began it? Who was the aggressor? Who let loose the storm that now rages over the world? It seems to me that it is unworthy of Germany to take part in this.

*Even an aggressive war can be—see above—perfectly moral, absolutely defensible.* This whole line of thought is really pacifistic: it begins with the assumption that war is an evil in itself.<sup>1</sup> It is this assumption which entirely controlled the diplomatic negotiations, now lying before us in the divers “books,” at least from the side of the Entente-

<sup>1</sup> [It is not for me to say much—but I cannot permit my dissent to go unexpressed. There is a *still deeper* conception of war than Labberton’s *deep conception*—and that conception *must* consider it “an evil in itself,” and an evil that the resources of the moral intelligence of mankind can and must work to abolish. Life *can* be solved without murder. . . . sometime. Indeed, it is precisely “in itself,” i. e., *absolutely*, that war *is* an evil; it takes on the only good it has when it is considered not “in itself,” but in relation to *relatively* good ends, at present only to be achieved through war, as it seems.]

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powers. There was an *affair* to settle, the Austrian-Servian, or, more broadly, the German-Slavic question. The affair pressed for adjustment, it was "*jus constituendum.*" That left the Entente-party entirely cold; it was preoccupied with but one aim—to avoid war. At least it was so in appearance. (*In the case of Russia this can have been nothing at all but appearance.* That lies in reason. Or was she only *in appearance* involved in the Servian interests? One or the other!) Had this will-in-appearance [*schijn-wil*] triumphed, there would have been no war, and *the affair would have remained as it was*, i. e., the world would not have advanced a step upon the path of historical-political improvement. It was the veritable peace-movement, with the finger on the trigger and the eyes riveted on the finger of the other fellow. It was, in a word, a living,—and considering the contrast with the ever threatening mobilizations— a *comic* illustration of the situation which would ensue if pacifism, contrary to all likelihood, should unexpectedly achieve its desire: peace, yet not the true, essential, inner peace, but only the outward order, the stillness of death, where all growth, all solution of pending and pressing problems, would be evermore impossible—the whited sepulcher, the final triumph of the Pharisees.<sup>2</sup>

<sup>2</sup> [But "affairs" can be "settled" by *thinking* no less than by fisticuffs.]



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And who was, then, really the aggressor? When one probes this question, not superficially but to the bottom, it resolves itself into empty nothingness, and one is simply face to face, once again, with the fated necessity of the entire event.

All the governments, moreover, have been condescending enough to provide us with a whole variegated compilation of data in answer to the somewhat school-boy question: "who began it?" One would have to be more naive than is the present writer—to his sorrow, or rather not to his sorrow—in order to believe that all this was done with the essential and serious purpose of making clear the truth.

This reflection, however, gives the historian no right, as far as he is concerned, to consign without more ado the publications in question to the shelf of children's books. To be sure, the spectrum isn't altogether complete; there is, as far as I know, no "green" book,—and "indigo" and "violet" books are hardly to be expected; yet nevertheless he may faintly hope that the available colors, *taken together*, could bring forth something at least approaching the unbroken light of truth. It would be a sort of spectral synthesis, the reverse of the spectral analysis of the astronomers.

However it be, all Europe has seized upon these "books" with passionate zeal and studied them over from *a* to *z*, only skipping such letters as could

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not serve the proof of what stood fixed *a limine*, that is, that the other party "had done it,"—the enemy, or, among neutrals, the party which enjoyed the antipathy of the demonstrator. Meantime, that the *demonstrandum*, beforehand so fixed, seemed deduced with such relatively slight difficulty from the available data, proves apparently that among the data themselves something must be missing, which must be supplied, with tacit insertion in the spirit desired, before the conclusion is possible.

And so it is in fact. The conclusion to which one comes through the study of these books, at least with respect to the question of Austria-Germany vs. Russia, depends entirely on the conception one has of the Austrian ultimatum to Servia, and *the conception can be nothing but a preconceived conception*, because there are in the diplomatic correspondence no data whatever adequate for an answer to the question, *what were the real motives of this Austrian activity and what idea Austria had of the consequences that this activity would or could have*. No one is likely to be so naive as to suppose that the note of July 23, 1914, simply fell out of the air. The French "Yellow Book" contains, indeed, some pieces that don't say much (Nos. 7-21) from before the note—so, too, the Austrian "Red Book" (Nos. 1-7)—and in the report which the English ambassador at Vienna, Sir Maurice de Bunsen, gave out to his government on September 1 we read: "It was

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from a private source that I received *on the 15th July [sic]* the forecast of what was about to happen which I telegraphed to you the following day.”<sup>3</sup> We can rest assured that, when Austria sent her note, the telegraph apparatus between the great capitals had not been idle all those weeks, and that Austria had thus good grounds for the belief that to a certain extent the cards were already dealt and the play already determined. This conviction is strengthened, moreover, by the impression made by many of the published documents as if really these gentlemen were continually telling each other things which each of them could and must have known all along.<sup>4</sup> So, for example, as to Belgian neutrality: every expert could know and did know—if it were only by virtue of the German strategic lines to the Belgian boundary—that Germany had for some time felt the impracticability, in the more and more threatening European war, of eventually respecting that neutrality. Nevertheless the negotiations proceeded as if it was a most weighty and a most unsettled point. I fancy we must construe many—not

<sup>3</sup> *Great Britain and the European Crisis*, p. 81.

<sup>4</sup> Another impression these documents make is this: it never depends upon the matter pending whether there's to be war or not, but only upon the question, determined by the proportion of power, whether the desire for war exists. If it doesn't, then the weakest gives in, doesn't find the "matter" so serious, doesn't get huffy about it. If the desire is there, then at once all becomes momentous and grave. All, of course, sheer make-believe.

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all—of these documents as the official declarations [*constateeringen*] of the positions and contentions of each side, unchangeable as to the future of the case and as to history, but containing in themselves for the parties concerned nothing new. It is in a way the public performance—or a performance intended later for the public—of a theatrical piece, the general tenor of which was long since definitely fixed; to be loosely compared with an open sitting of a parliament in its relation to the preceding negotiations and discussions in private which had already really settled the whole affair.

Therefore, as to Austria's note an objective judgment is impossible; and, consequently, as to the second point, about which the arguments are forever twisting and turning: whether it was the Russian mobilization or the German ultimatum that was precipitous and hence the spark in the powder. If one sides with Austria in the matter of the note, then the Russian mobilization was needlessly aggressive and thus indefensible; if one condemns the note, then the mobilization was commendable caution, and hence the German ultimatum constitutes the "attack." He who can get effectively out of this vicious circle with the data given is a cleverer man than the present writer; but he who only *thinks* he can, knows still less than the same, for he himself

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doesn't know that he doesn't know. It may serve us here to remember Socrates.<sup>5</sup>

What motives and conceptions of the results may we suppose Austria to have had? There was the given necessity of teaching Serbia a lesson. The question was: Will the Entente permit this without taking a hand? We know that the armaments of the immediately preceding period had been noticeably increased, so that all could see "*dat de boel op springen stond*" ["that the whole business was ready to explode"]. Did Austria know that its note would be the spark in the powder? Assume she did, then the supposition is justified that she thought: "If, for this my good cause they really want to unleash the European war, then the situation is through and through so morally rotten that it must come to-morrow or the day after, and, if it must come anyway, then the sooner the better." The undeniable fact that the "*suaviter in modo*" was neglected, can then be interpreted as the manner whereby

<sup>5</sup> A comical gentleman is Herr Van der Goes, who on page 27 of his brochure *Aan wie de schuld?* ["Who is to Blame?"] quite correctly censured in another man's brochure *Engelands rol bij het uitbreken van den wereldstrijd* ["England's Role in the Outbreak of the World War"] the above mentioned *petitio principii* on the Austrian side of the argument, only to adopt it himself with entire contentment and enviable aplomb in his own bad logic—on the opposite side. So it goes with all these arguments. It was at first, maybe, a pretty little game; but it becomes boresome. Chess is really much prettier: one isn't tied down to any data, but invents them as he goes along.

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the earnest will not to give in at any price manifested itself *a limine*.

The German "White Book" contains two clauses that support this supposition: "We were well aware that an eventual military procedure on Austria-Hungary's part toward Servia might bring Russia in, and involve ourselves in a war, as in duty bound to our ally." And further: "We have emphatically taken the standpoint that no civilized state *has the right*, in this fight against uncivilization and political thug-morality, to fall upon Austria and to protect Servia from her just punishment."

Assume she did not, then that is conceivable only in this fashion: namely, that Austria made a mistake with respect to the plans of the Entente,—whether the mistake was due to the incapacity of her diplomats, or whether to intentional misleading on the part of Russia. The last supposition is quite in accord with what has become known, now and then, as to the methods of Russian diplomacy; but is yet of such a dreadfully serious sort that we have no right, in justice, to make it on the evidence of the available data.

Yet, in passing, let me note No. 33 of the British "White Book," from which it appears that on July 26 the English embassy at Berlin sent a dispatch to Grey that the German ambassador at St. Petersburg had informed his government that the Russian minister had said "that if Austria annexed bits of

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Servian territory Russia wouldn't remain indifferent." And then follows: "Under-Secretary of State drew conclusion, that Russia would not act if Austria did not annex territory." One may well admit that this conclusion rests solely upon the illogical rule, *qui dicit de uno, negat de altero*, but remember, on the other hand, that it is customary among respectable people, whenever their words as a result of this rule make psychologically an almost inevitable false impression, to remove that impression by an explicit, equivalent explanation. And let me note, further, the great agitation to which—as appears from the English "White Book," No. 97—the German ambassador at St. Petersburg fell a prey, when on July 30 at Minister Sassonof's it became clear to him that the war was unavoidable. *Can this agitation have been also indignation?*<sup>6</sup>

But in either case, whether the aggressor for a cause it held right, or the unintentional unleasher of the war under a mistake or through deception, I cannot see that the German-Austrian will is in this to be regarded as immoral.

Let us take the most unfavorable supposition: Germany and Austria as willingly and wittingly aggressive, i. e., as having willed a war at this moment

<sup>6</sup> See also English "White Book," No. 80 (July 29): "There seemed to be a difficulty in making Germany believe that Russia was in earnest."—Whence arose the difficulty?

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of time. The judgment upon this will depend on the circumstances in which they found themselves, and on their motives. As to the circumstances, I may spare the reader argument by referring directly to that excellent and too little regarded book of Herr Valter. From this he can readily remark—what, to be sure, for a year and a day, has been no secret to any well-informed individual of good wits—that England was now the aggressor not in a diplomatic but in a *political* sense. The concept “aggressor” here begins to grow vague. He who is only diplomatically the aggressor can quite properly claim to be acting defensively, in case he is attacked politically. Attack is often nothing but the best method of defense. *Melius praevenire quam praeveniri*. But let us ask further: what brought England to determine upon her aggressive politics? Then it’s Germany over again who puts in her appearance as the aggressor now (merely to avail myself of the expression) in a *biological* sense: alone through the fact of her increasing growth and bloom whereby England’s position as *beatus possidens* became threatened. And, as Germany had no thought of yielding, that growth was the fact that brought England to her Entente-politics, whereby she understood how to use for her own ends the partially just claims of Russia and the idle grudge of France, throwing overboard the fact that the interests of these countries in Africa and Asia were



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diametrically opposed to her own so that she could desire a great strengthening of their power quite as little. But a common hate brought them together.

Was that not allowable? Was not the other side united in a common alliance? I believe that, as we compare these two political combinations, we cannot be long in doubt as to the moral worth of the one and the moral worthlessness of the other. The alliance of Germany and Austria-Hungary is an alliance of real friends who form a unity, who have common interests and positive ends—the defense and the growth of their interests. The entente of England, Russia and France is a combination *ad hoc* of enemies who form nothing more than a conspiracy, since they have only a common hate and only negative ends—the destruction of another's prosperity. There is in Hello's *L'homme*, p. 118, in the chapter "Le Monde"—the "world" is for Hello the sphere of "*tiédeur morale*"—a paragraph of extraordinary appositeness for this whole contrast: "Unity has, we say, its parody—coalition. Men of the world are not friends, but they are in coalition. Unity lives by love. Coalition lives by hate. Men in coalition [*les coalisés*] are private enemies who join together against the public enemy. Men of the world have a common hate, which gives them a common occupation which determines the central point of their activity."

Would the deep and great soul who spoke these

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words have been able to stand in these times at heart on the side of his own country? Yes, it's not so unlikely—out of compassion for her blindness.

In view of this character of the coalition, it is exceedingly significant that the three "allies" found it necessary to sign on September 4, 1914, at London a declaration whereby they solemnly vowed—not to leave one another in the lurch! "*Difficile satiram non scribere.*" One will find the document in the French "Yellow Book," No. 160. Both the place of the transaction and the whole ulterior purport indicate that it was an English device—which bound the other two unalterably to the service of England's own ends. It occurs to me that we have here a practical example of a treaty that can be morally abrogated "*rebus stantibus*": as soon as France and Russia come to *better insight*, and see that they are dupes, not allies but exploited parties, then they will be morally justified in shattering these fetters with the laughter of scorn. Will Russia some day do so perhaps? It doesn't seem altogether inconceivable.

"As Germany had no thought of yielding," I said above. Would it not have been perhaps better, more ethical, for the sake of peace to yield indeed, and to remain content in the narrow limits? No, because the realization of the ethical ideal required that this morally valuable people achieve larger scope. It *was not allowable* for her to remain con-

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tent. That would have been the morality of the cloister, the morality of the ungentle Christianity, of which Goethe, perhaps the greatest Christian since Christ, has said :

“Den deutschen Männern gereicht's zum Ruhm,  
Dass sie gehasst das Christentum.”

The biological aggressiveness gets here a deepened significance: the *moral aggressiveness*. Genuine morality, as I've already said, is expansive, striving to create a divine world-order [*wereld-vergoddelijking*, “deification of the world”]. The moral will must live itself out; it *may* not be the “anvil,” it must be the “hammer,” or rather, *it can be nothing else*. But in this last aggressiveness lies also the final defense of the entire morality of the German cause.

Moral worth, the positive, as opposed to moral worthlessness, the negative element, the empty appearance, becomes, just like light as opposed to darkness, already the aggressor by its very presence, even though it does not intentionally take the offensive. We don't need to *contend against* evil; by *doing* the good we already contend against it *ipso facto*—and make it, *ipso facto*, our foe.<sup>6</sup>

<sup>6</sup> Concerning England's political aggressiveness, see, amid the ocean of literature, Rudolf Kjellen's *Die Grossmächte der Gegenwart* [“The Great Powers of the Present”], pp. 119-123, which quite properly insists that English politics of the last ten years is nothing but a repetition of a method continually applied, of which Edward VII was not at all the inventor but

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Every one who sets fresh, upward-striving, worthy content above old, time-eaten form; every one who considers it vitally desirable, for the self-renewal and civilizing of mankind, that the undue influence which such form can still exercise (by virtue of the inveteracy of all forms) be justly reduced to the real proportions of the actual content—he must desire with all his heart victory for Germany and defeat for England. Both are but two sides of one matter.

only the last carrier. Also in Paul Rohrbach's *Der Krieg und die deutsche Politik* ["The War and German Politics"] one will find much of interest, especially touching the strained relations between England and Germany since 1911. He asks the question, as to whether the attitude of England was not a disguise (p. 84). In passing I think that the question can now be definitely answered: from the English "White Book," No. 105, it appears that in November, 1912, at the time of the Balkan War which so threatened German-Austrian interests there occurred the correspondence between Grey and the French ambassador at London which practically amounts almost to a military agreement, whilst, moreover, one thing and another has become known as to the maritime arrangements made with Russia in 1914 (cf. Gottlob Egelhaaf, *Historisch-politische Jahresübersicht* ["Historical-Political Annual Review"], 1914, pp. 89-91)—all this, while negotiations were going on with Germany as to Central Africa and Mesopotamia, apparently in the most willing spirit of cooperation. For a good notion of German world-politics, especially of the influence thereon of Germany's continental position and *vice versa*, a most serviceable book is: J. J. Ruedorffer's *Grundzüge der Weltpolitik in der Gegenwart*, 1914.

XIII.

IN the foregoing inquiry into the diplomatic aggressiveness, no particular heed has been paid to the role of England. The matter lay from the beginning between Germany-Austria and Russia. Hence England *assuredly did not cause* the war, *in a diplomatic sense*. Yet what has been already observed above as to her *political* aggressiveness invites to a little closer scrutiny of her diplomatic role also. For, taking into account her persisting purpose of late years, it might well turn out that this role was less innocent than it seems at first sight. In this inquiry there is the advantage that England's role—since it was outside the special Servian question—begins in the main of itself only after the Austrian note and can thus be studied more effectively from the diplomatic correspondence.<sup>1</sup>

Directly after the appearance of the note, Russia took a decided stand against it, and Germany was quite as decided in her readiness to support her ally.

<sup>1</sup> [Cf. the analysis of Prof. J. W. Burgess, *The European War of 1914*, especially pp. 1-44.]

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It was thus immediately clear that, as soon as both parties should have the courage for it, war would inevitably come. That was forthwith the impression of everybody, also at London.

It was also known on July 26 that Italy would remain neutral.<sup>2</sup>

Apart from Servia, it was thus two against two, with a slight advantage in strength for Germany and Austria.

Hence England had the decision in her hands. If she declared for France and Russia, then the scales turned in their favor. If she declared for neutrality, then there was a good chance that France and Russia would in the end prefer to withdraw from the dangerous adventure, and let Austria take her course, under the pledges she was ready to give to annex no territory.

If England, therefore, wished to prevent the war, she would have had to declare herself, in the one sense or in the other; and both parties put forth all their efforts to get her to do so. But now take into account that England could be tolerably certain that Germany would not respect the neutrality of Belgium, so that she was sure of a demonstrable *casus belli*, if such should eventually seem necessary, without for the present taking a definite stand. On the other hand, it was quite as much to be expected that France would not violate that neutrality: she

<sup>2</sup> See French "Yellow Book," No. 51.

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would have neither adequate motive, nor the opportunity by virtue of her less effective mobilization. Thus also on this side there was no appreciable danger that the game would be spoiled.

So we can well say that presumably never in all history such vast power lay in the hands of two men as Messieurs Asquith and Grey possessed in those days before the war. They had the power, by declaring themselves, to hold the war in check, or by keeping silent, by doing nothing, to let it burst forth.

They chose, under all sorts of unsatisfactory pretexts,—the latter. *Their misdeed,—for a purely destructive war merely out of self-interest is a misdeed,—was a delictum omissionis* [a sin of omission.]<sup>3</sup> When on July 24 the Austro-Hungarian ambassador communicated the note to London, and on the very same day (“White Book,” No. 6) the English ambassador at St. Petersburg sent the dispatch that in his opinion “even if we decline to join them, France and Russia are determined to make a

<sup>3</sup> D. G. Jelgersma seeks the cause in the great deference of the democratic English statesmen to public opinion in England (*Gids* [“The Leader”], March, 1915). As if it wasn't everywhere known, that it is with English statesmen simply the regular device to appeal to public opinion when they want to effect something against other countries or to evade their well-justified demands (cf. Helmolt, *Die geheime Vorgeschichte des Weltkrieges, passim*). If public opinion doesn't serve their turn, it is quietly shelved, and the “democracy” is nothing but make-believe. As a matter of fact Asquith and Grey are all-powerful in foreign relations.

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strong stand," then, as I picture it, there began an extraordinary process in that most intricate complex which constitutes the consciousness of Sir Edward Grey. This gentleman, Sir Edward Grey, is a highly polished, sensitive, kind-hearted, philanthropic twentieth-century West-European, who has a holy aversion to bloodshed and who would behold with deep horror any one that, when the necessity arose, would not shrink from causing a European war; in short, he is really a pacifist. But he is a pacifist only in the foreground of his intricate consciousness. In the background, well-nigh in his sub-consciousness, he is himself England's consciousness; and that consciousness has been for years completely preoccupied with the unheard-of fact that somewhere on the continent there appears to have arisen a barbaric people that threatens England's world-empire, or at least, in England's eyes, appears to threaten it.<sup>4</sup> Now on July 24, 1914, that sub-consciousness, like Hamlet, *saw a ghost*,

<sup>4</sup> In a remarkable romance of H. G. Wells, *The Passionate Friends*, 1913, I, p. 191, a father says to his son, in a conversation on trade-politics, in which the latter cites the example of the Germans: "Fancy quoting the Germans! When I was a boy, there weren't any Germans. They came up after '70." This is the whole affair. It is simply a repetition of Rome vs. Carthage. Germany's single misdeed is that she—exists. The situation of before Bismarck's day must be restored. The romance-writer, Paul Bourget, makes his entrance into politics by openly announcing this and by giving as his grounds. . . . the value of small states (*King Albert's Book*, page 183). Shouldn't France have to be, at the same time, dissolved into her historic components, O glorious *enfant terrible* of the Entente?



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*the ghost of Edward VII*; and this ghost spake thus: "*Hora est*. Bethink thee of it, now I desire my *petite guerre*. Thou needest do naught,—just let things take their course."

As a result, there arose in the foreground a strenuous bustle about all sorts of petty expedients and schemes, conferences at London, steps taken at Berlin, mediation of England and Italy, incitements to moderation from Berlin to Vienna, direct "conversations" between Vienna and St. Petersburg; but all that was only comedy, the puppet-play, the whitening of the sepulcher,—in good Dutch, "*larie en koude drukte*" ["Fiddle-faddle and the big noise"—"in good American"]. The one real thing was the voice of the ghost. And the ghost was not altogether contented with the course events were taking. There was, indeed, a slight weakness in the entire scheme: the balance of power, as left to itself, was tipping in the wrong direction. What, then, to do? A slight pressure must be applied on the opposite end of the beam. The ghost urged to that; but the fore-part of Sir Edward's consciousness opposed: In this way, verily, it would be working for war, and it was working, precisely all the while, zealously, and on all sides, for peace (see, however, "White Book," No. 47).

Then did this fore-part of Sir Edward's consciousness and the ghost of Edward VII, by way of agreement, together concoct one of the most dex-

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terous diplomatic sleights which have ever been exhibited: encouragement for the Entente was to take the form of . . . a kindly warning to Germany. On July 29 it was given. Let one read in the English "White Book," No. 89, that most friendly, most benevolent conversation, inspired by the noblest of motives. In sober truth, that conversation was morally equivalent to the drinking cup which the guests of Caesar Borgia used to get, for . . . the plan of holding it—the German ambassador had assurances it was "quite private"—had been beforehand, that morning in fact, communicated to the French ambassador (English "White Book," No. 87).<sup>5</sup> Inasmuch as the French position would become, through that conversation, not weaker but precisely stronger, it cannot possibly have been intended as a warning to France. And if the warning was to take effect on Germany, it was necessary to give it a strictly confidential character; since Germany could with difficulty retire before England *openly, i. e.*, in full view of the other Entente powers,—but, at a pinch, doubtless, if the real circumstances remained secret.<sup>6</sup>

<sup>5</sup> The same day France gave Russia definitely the promise of unconditional support (Russian "Orange Book," No. 55 and No. 58) and the following day they were convinced at St. Petersburg that England was cooperating (letter of Baron de l'Escaille).

<sup>6</sup> Here is a point for the consideration of those who plead for the greater publicity of diplomatic business.

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Every prosecuting attorney<sup>7</sup> is acquainted with the phenomenon of the higher sort of criminal, who, after having constructed with great intelligence and caution a whole complicated scheme to send justice off on a false scent, makes almost invariably a small slip in some minor point, that may seem afterwards, in the light of the whole case, almost unbelievable in its stupidity. This phenomenon is very easy to comprehend: it is simply a result of the fact that the system did not grow organically in the world of reality, but was mechanically pieced together in empty space by the understanding; and the human understanding has certain admitted weaknesses—it overlooks and it forgets.

I see a little slip of this sort in the inclusion of the beginning of document No. 87 in the English "White Book." Speaking from the English standpoint, it ought not to have been there. History will sometime, principally on ground of this very document, call England to account for her conduct and she will find it hard to reply.

Herewith the game was played. The war between Germany-Austria and Russia-France could begin. The ghost of Edward VII withdrew contented to the heavenly abodes. Now the matter had gone so far, Sir Edward could handle it alone

<sup>7</sup> [*Rechter van instructie*, in the Dutch *Code-Napoleon*, doesn't correspond exactly to any legal official in American law-courts.]

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for the future. His better part could find no more evil.

The question for England was now only this: shall we take a hand or not?<sup>8</sup> The question might be answered only after the outbreak of the war. Germany must still be left to suppose there was a chance of England's neutrality. Moreover, she could naturally get no exact promise of this, on whatever conditions, for then the other party would perhaps take in sail. Therefore, England might not say explicitly what she would do if the Belgian neutrality, as was to be expected, was disregarded. Moreover, here is a slight flaw in the English scheme: that which on August 4 was called (and is still unceasingly called) an atrocious outrage, seemed on August 1 (English "White Book," No. 123), at the most, indeed a highly serious affair, but not definitely furnishing a *casus belli*. It is difficult to read the last two sentences of document No. 123 without aversion. Germany stood on the verge of the great war and the upshot of her question was really if England would perhaps be so good as not to hit her in the back too. For this favor she was ready to make far-reaching, well-nigh impossible concessions. But she desired certainty; she desired in any case to know where she was; she desired not

<sup>8</sup> The answer was naturally not a mere matter of course, for England is the last to desire a too great strengthening of Russia and France.

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to be perpetually exposed to the chance that England in *her own* good time, would begin too. She stood, to use the fit word, virtually more or less as a suppliant before England. The world is so curiously arranged that one can often do nothing but supplicate, even for perfectly proper and reasonable things, and supplicate mostly in vain, in the presence of our moral inferiors who happen to be the more powerful. I seem to hear the honest German voice asking, was there then no means at all of obtaining, not England's neutrality, but only England's frankness,—since a people in such circumstances has a right to frankness. But Sir Edward Grey, the pacifist, was not the man to be tenderly moved: "I could only say *that we must keep our hands free.*" The sword of Damocles always over Germany's head—that was the intention! And yet there are still people who find it "clumsy" of Germany that by this violation of Belgian neutrality she made England her foe too! As if a neutral England were to be trusted for an instant during the whole course of the war, and as if it were not much better that she were forthwith induced to come out into the open. This put at least an end to all uncertainty and to the chance that, at some moment most inopportune for Germany, there would suddenly arise one or another "legal cause" which would induce righteous England (who had on August 2 given France the unconditional promise

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of guarding her coast) to her deepest sorrow to enter the lists.

I hesitate no longer for a moment in my ethical judgment upon the role of England; and I attach some value to it, since my first impression was otherwise. *My final judgment, however, is entirely in agreement with that which the whole German people have, with instinctive certainty, passed upon her.*<sup>9</sup>

We are wont to speak of the mob-blindness of Germany on this point and to be grandiloquently astonished that even her aristocracy of intellect has not escaped it. We forget that a judgment is not necessarily unjust, *because* it is the judgment of a whole people. We can, for all that, examine the content of the judgment independently. And there exists, for all that, still something or other like a *vox populi, vox Dei*. This exists when the speaker is not the erring intelligence of the few and the imitation of the many, but the folk-soul itself. The German folk-soul has now found such a voice. It is the *Mene Tekel* of England, albeit she sees for the present forsooth—a good ten years after the Boer War—her chance still to parade before the world as the guardian of international law and small nations. *Mundus vult decipi*. Therefore England, this cherisher of forms, has always sailed under a false flag, just

<sup>9</sup> See, e. g., Wilhelm Dibelius, *England und wir*; Georg Irmer, *Los vom englischen Weltjoch*; Jacob Riesser, *England und wir*; Arthur Dix, *Der Weltwirtschaftskrieg*.

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as she now in a literal sense is beginning to do. She has been, through all modern history, the Mephistopheles of the continent, the destroyer of all which became vigorous over there and so stood in the way of her self-interest. But the end will show. Mephistopheles is

“Ein Teil der Kraft,  
Die stets das Böse will und stets das Gute schafft,”

and so he falls himself at last into the pit which he digged for another.

THUS this war, which could have been—whatever besides—at least an honorable strife, has become, through the participation of England—and Japan!—a murderous ambushade [a French expression, *guet-apens*]. Will Germany sustain the test? Will she succumb to superior physical strength?

It is an illusion to suppose that moral right always triumphs. Napoleon's remark that God is always on the side of the heaviest cannon is nothing else than blasphemy—a proof of how shallow was the inner life of this Genius of Action. Moral right is a spring of great potency; it is by no means indifferent in a contest of physical power. But equally true it is that God cannot make head against unlimited cannon. It is precisely one of the hardest and deepest problems of the world-tragedy that moral right certainly does not always win the victory. A genuinely ethical philosophy of life cannot be other than tragi-heroic.

But one thing we do know: moral right can be beaten, but it cannot be slain, cannot be annihilated. It is a fact, a reality; and facts are not to be elim-



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inated from the world. Only moral wrong, the nothing that appears something, the empty appearance, can be annihilated.

Human memory is a strange thing. From out what queer hiding-places does the power of association sometimes bring our slumbering ideas to light! Whilst I've been meditating during these last months over the war and its origin, and saw in my mind's eye the awful possibility that Germany might not be able to hold her own, there came back to my spirit, from years and years ago, a little German song, a simple song, but unutterably pure and deep, such as is only to be found in the German tongue. That little song was sung on a relatively small occasion, which had, however, in form great similarity with the world-event of to-day; and all words spoken by human beings depend for their worth and greatness more on the worth and greatness of the speaker than on the worth and greatness of the occasion. Thus I could fancy I heard in this song a prophecy of the whole story of to-day, and a clear indication, too, of how Germany under a possible defeat would hold to herself. I will transcribe it entire. Perhaps there is one or another reader whose soul appreciates what deep emotions have stirred the German people—and with that people, the present writer—in these last months. I refer to the song of August von Binzer, which was sung at Jena, November 26, 1819, on the occasion of the dissolving

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of the "*Burschenschaft*."<sup>1</sup> Each word has now for me a purport deep and unutterably great; the whole is, indeed, wrought of blood and tears, great in its unconquerable self-reliance. It is as if the eternal historic becoming, the eternal shaping and shattering of forms, the whole tragedy of human history, there achieved expression.

"Wir hatten gebauet  
Ein stattliches Haus,  
Und drin auf Gott vertrauet  
Trotz Wetter, Sturm und Graus.

"Wir lebten so traulich,  
So einig, so frei,  
Den Schlechten ward es graulich,  
Wir hielten gar zu treu!

"Sie lugten, sie suchten  
Nach Trug und Verrat,  
Verleumdeten, verfluchten  
Die junge, grüne Saat.

"Was Gott in uns legte,  
Die Welt hat's veracht't;  
Die Einigkeit erregte  
Bei Guten selbst Verdacht.

"Man schalt es Verbrechen,  
Man täuschte sich sehr:  
Die Form kann man zerbrechen,  
Die Liebe nimmermehr.

"Die Form ist zerbrochen,  
Von aussen herein;  
Doch, was man drin gerochen,  
Ist eitel Dunst und Schein.

<sup>1</sup> ["Student Society," founded in 1815 for patriotic purposes.]

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“Das Band ist zerschnitten,  
War Schwartz, Rot und Gold,  
Und Gott hat es gelitten:  
Wer weiss, was Er gewollt!

“Das Haus mag zerfallen,—  
Was hat's denn für Not?  
Der Geist lebt in uns Allen,  
Und unsre Burg ist Gott!”

[The translator, realizing the great significance of these stanzas for the spiritual argument, has done his poor best to make them available for readers ignorant of German.

“We builded together  
The stateliest house,  
And there, through wind and weather,  
Had made our God our vows.

“We lived there so truesome,  
So friendly, so free,  
The base folk found it gruesome  
That men so true should be!

“They waited, they prated  
Of treason and fraud,  
Reviled and execrated  
The green, young seed of God.

“What God in us planted  
The world did despise;  
Even good men doubting scanted  
Our league and enterprise.

“They plotted a matter  
They wotted not of—  
The Form can all men shatter,  
But nevermore the Love!

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“The form has been shattered,  
From outward the blow—  
But what their hands have scattered  
Is empty smoke and show.

“The Ribbon’s been slitted,  
The Red, Gold and Jet,  
And God he has permitted:  
Who knows what God wills yet!

“The House may go under,—  
What matters the hour?—  
The Soul is not to sunder,  
And God is still our tower!”]

Let us rest assured: if the German people is indeed what we hold it to be, then its present “form” can be shattered by external, mechanical violence; but then it will create for itself in its own good time, purified by suffering, a newer form, still more beautiful and more mighty. “The swiftest beast that carries ye to perfection is suffering” (Eckhart).

AFTER all this about Belgian neutrality, the reader will permit me to conclude with a word about our own. I believe that the case of Belgium contains a serious lesson for ourselves.

I will express no judgment about our neutrality. To do so publicly—*intus ut libet*—is forbidden by one's duty as citizen. Moreover, it is presumably sufficiently clear from the foregoing discussion how I regard the "dignity" of our impartial attitude.<sup>1</sup> The man who could pronounce that word was filled with petty vanity, with the calm, intellectual, unassuming, intolerable vanity of the scholar; and had no conception of the warm, strong and living, of the pressing and driving, the creative feeling for moral values and the differences between moral values: his soul was cold. A mere pupil forever, he is and he remains hide-bound in ethical and esthetic formalism, because at Groningen nobody has told him that these functions have also a material side which is immensely more important.

<sup>1</sup> Cf. R. Casimir, *Waardige onzijdigheid* ["Dignified Impartiality"].

“Vanity! This odious personage is all in these two words: coldness and vanity!” (Hello, *L’homme*, chapter, “L’homme médiocre,” p. 67.)

Quite as little will I discuss the queer and somewhat comical phenomenon that has just now started up here at home—this new growth of pacifism that is now and then itself somewhat aggressive. We might call it the ethical parallel of the estheticism of a man like Albert Verwey:<sup>2</sup> ethical and esthetic illusionism.

All these things spring from the inner discontent, from the need of doing something or other, or of *taking some sort of an attitude*. It seems to me that the stiller we keep and the less we extol our neutrality the more honest the idea we give of our true position and attitude.

I venture only to speak an earnest word as to what our action should be, should our neutrality become endangered,—whether from one side or the other. There are then two ways possible; and I am not so sure that our state, which is intelligent, will then give proof that she is more than intelligent,—that she is wise.

<sup>2</sup> *Beweging* [“Movement,” edited by Verwey], Dec. 1914, p. 177: “Precisely now, precisely in opposition to this horrible exertion of power of the material (?) and political world, must Poesy and Idea be that world’s foe in the world, and vindicate their independence therefrom.” As if “Poesy and Idea” could fetch their *content* from any source at all but the rational-ethical reality of human life! As if it was not in this way alone that they can become strong and deep!

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The first way is this: as impersonal logical machines to deduce our conclusion from the artificial, lifeless, and deceitful abstractions of international law, according to the syllogism: our neutral territory is inviolable; here is warring power A, which will not—cannot!—respect the inviolability; warring power A is thus our enemy. That is the method of the apprentice in magic:

“Die ich rief, die Geister,  
Werd’ ich nun nicht los.”

The second way is this: when the time comes, as living and creative personalities to bring forth our conclusion for ourselves from our own choice; in other words, whoever the “violator” be, to show our colors, to chose our party, and to gather to that side which is really ours.

I see with satisfaction that Professor Kernkamp in *Vragen des Tijds*, March number, has had the same thought. But what is unfortunately missing is the decisive choice in the right direction. It is, I am firmly convinced, at the present moment the duty of all Hollanders who think farther and deeper and have the real good of ther fatherland at heart, to do their share in spreading just views, in harmony with reality, concerning the great problem, England-Germany—views grounded not upon subjective factors, but upon facts and their logical-ethical implications. This is not contrary to political “neutral-

ity," and for the government it can be nothing but desirable to have light on what is going on among the best of the people. It has very properly requested the daily press to refrain from political observations. Papers like the *Telegraaf* and the earlier<sup>3</sup> *Amsterdammer* show well enough to what pass things would have come otherwise—not to mention the noble guild of Writers-of-letters-to-the-editor [*de ingezonden-stukken-schrijvers!*]. Yet, let those who are *really abreast of things*—I fear their number is small—have the courage to speak, now there is still time.<sup>4</sup> And let them continue in their labor, even after peace is declared, for then—no matter who wins—the question of a Mid-European League or at least of a Customs-Union will become acute, and our own vital interests will be involved.

For the present, however, the question is only: What to do, if things should go wrong with our neutrality?

I believe that our people, especially in the lower intellectual circles, fancies itself to be, or to have to be, anti-German. But *la volonté générale n'est pas la volonté de tous*, and our form of government, luckily for us, has since August 1914 been more

<sup>3</sup> [A reference to this paper as it was before the radical change in its staff about the end of 1914.]

<sup>4</sup> [Note Prof. Verrijn Stuart's excellent study *De economische oorlog*, "Economic Aspect of the War," translated in *The Open Court*, 1916.]



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nearly the intellectually aristocratic—which is the ideal form—than it has ever been since 1866. If the great hour ever comes, may such wisdom be given us, that, conscious of our historic lineage and of the origin of our mother tongue, and obedient to the voice of the Germanic blood that streams, even though not unmixed, through our veins, we may realize in freedom whither our highest and deepest interest, whither our Duty calls us!

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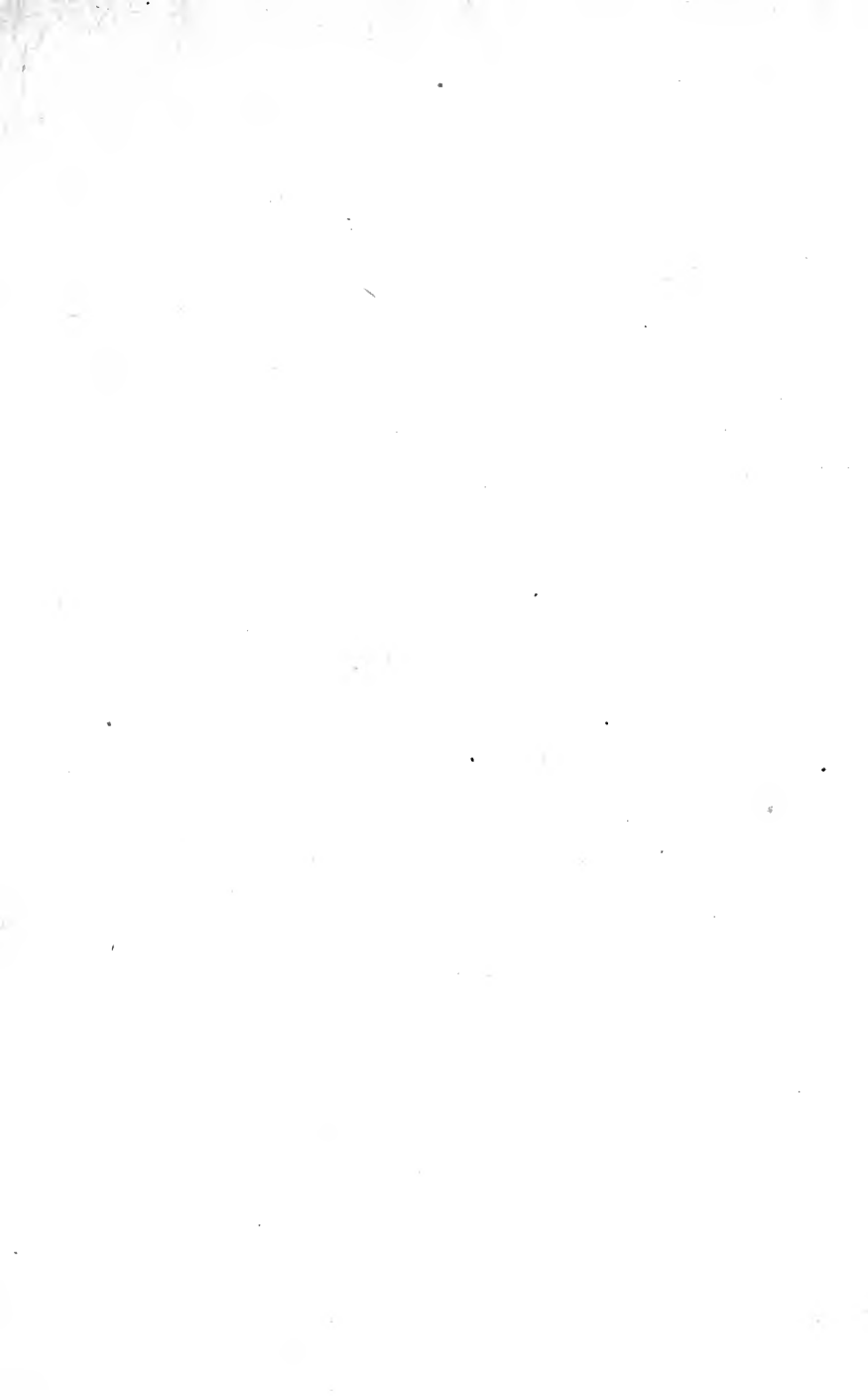
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