Committee on Ninth Annual Meeting: James Brown Scott, Chairman; Philip Brown, James W. Garner, Robert Lansing, Walter S. Penfield, Jackson H. Ralston, Eugene Wambaugh.

The annual meeting closed as usual with a banquet on Saturday evening, April 25th. Mr. Root presided as toastmaster and the other speakers of the evening were the honorable William Jennings Bryan, Secretary of State, the Honorable F. C. Stevens, Member of Congress from Minnesota, and Mr. Archibald C. Coolidge, recently exchange professor in Germany of Harvard University. While the members of the Society who attended the banquet expectantly awaited the remarks of the Secretary of State, in view of the critical state of the relations between the United States and Mexico, growing out of the occupation of Vera Cruz a few days previously by the naval forces of the United States, he took them completely by surprise by announcing and incorporating in his remarks the text of the exchange of notes, completed just before he entered the banquet hall, between the United States and the representatives of Argentina, Brazil and Chile, offering and accepting the mediation of the three latter countries in an endeavor to prevent further armed conflict between the United States and Mexico.

The plan adopted this year of dividing the meeting between sessions devoted exclusively to professional and scientific discussions and others devoted to the presentation of the subjects in a way to appeal to a more popular audience seems to have worked exceptionally well, as the meetings were better attended than any since the Society's existence. The plan is likely to be followed and perhaps improved upon for the future meetings of the Society.

THE LAKE MOHONK CONFERENCE ON INTERNATIONAL ARBITRATION

The twentieth annual meeting of the Lake Mohonk Conference on International Arbitration was held in the last week of May and, as usual, was attended by a large and influential body of men and women interested in the peaceful settlement of international disputes and the means by which such settlement may be advanced. The conference had the great advantage of having as chairman, Mr. John Bassett Moore, late counselor for the Department of State, and in a careful, thoughtful and valuable address he showed that our government had repeatedly submitted disputes to arbitration, which would be excluded

by the restrictive treaties either in force or in contemplation. The line of advance, therefore, in this case, as in so many instances, is through the past rather than by a slavish adherence to present doubts and scruples as to the efficacy of a method which has justified itself so abundantly in the last hundred years and more.

In view of the approaching Hague Conference, it was but natural that this subject should figure prominently on the program and in the discussion, and the views expressed both in the formal papers and in the discussions on the floor were both progressive and constructive. It is but natural that there should be an element of sameness in the papers on a subject which for twenty years has engaged the attention of the conference, and that the views, however well expressed, should be restatements of positions formerly taken. This criticism, if it be a criticism, would apply to the platform, which aims to embody in terse form the views of the members considered as a body. But even if this be so, it does not militate in the slightest against the usefulness of the conference, because it has stood for peaceable settlement, primarily through arbitration, for the past twenty years. It has convinced opponents, who, in the language of Goldsmith, went to scoff, yet remained to pray. In the course of its existence, thousands of people who have attended have been strengthened in their views and have become centers of propaganda throughout the country. It has thus been an educational force and has come to be recognized as such, not only here, but abroad, as is evidenced by the frequency and respect with which its proceedings are quoted by foreign publicists. The movement created by Albert K. Smiley and his friends, and carried on by Daniel Smiley, a devoted and worthy successor, has thus become in no uncertain sense and in no small measure international.

In view of these facts and of the great influence which the conference justly has and wisely uses, it seems the part of wisdom to many of its friends that, without discarding arbitration, it should nevertheless broaden its scope and include a discussion of other agencies calculated to carry on and to perfect the work of arbitration. Reference is made to judicial settlement as such. There is a great difference of opinion as to whether arbitration will continue in the future as in the past, or whether it should develop into or give way to judicial procedure as such. Many well informed people, both in this country and abroad, maintain that arbitral adjustment is synonymous with judicial decision and, if such really be the case, it is clear that there is no room for judicial decision

as a separate and distinct remedy. It would seem, however, in this case, that there could be no objection on the part of advocates of arbitration to the creation of a permanent court of justice to decide according to judicial methods any and all controversies of a kind which have previously been arbitrated. If, on the other hand, arbitration differs from judicial decision, the question may well arise as to which is the better method. This, however, is not necessarily involved, because the partisans of judicial settlement as distinct from arbitration recognize the usefulness of the latter method and seek to establish an international court of justice for what they term the judicial decision of disputes between nations, without in any way affecting arbitration or the Permanent Court of Arbitration created by the First Hague Conference and improved by the Second. The question is not one to be settled by an array of distinguished names, which may be cited in favor of arbitration or of judicial procedure. The issue goes to the nature of the two remedies and the results flowing from the application of the principles controlling each. It is, however, safe to assume that the deliberate opinion of a man of Mr. Root's standing and experience should not be lightly disregarded, and it is common knowledge that he believes the future of arbitration—meaning thereby peaceful settlement between nations—depends upon its conversion into a truly judicial proceeding.

In an address delivered before the American Society for Judicial Settlement of International Disputes, Mr. Root said that "the difficulty that stands in the way of arbitration today is an unwillingness on the part of the civilized nations of the earth to submit their disputes to impartial decision. I think," he said, "the difficulty is a doubt on the part of civilized nations as to getting an impartial decision. And that doubt arises from some characteristics of arbitral tribunals, which are very difficult to avoid." After considering these difficulties, he then said:

> Now it has seemed to me very clear that in view of these practical difficulties standing in the way of our present system of arbitration, the next step by which the system of peaceable settlement of international disputes can be advanced, the pathway along which it can be pressed forward to universal acceptance and use, is to substitute for the kind of arbitration we have now, in which the arbitrators proceed according to their ideas of diplomatic obligation, real courts where judges, acting under the sanctity of the judicial oath, pass upon the rights of countries, as judges pass upon the rights of individuals, in accordance with the facts as found and the law as established. With such tribunals, which are continuous, and composed of judges who make it their life business, you will soon develop a bench composed of men who have become familiar with the ways in which the people of every country do their

business and do their thinking, and you will have a gradual growth of definite rules, of fixed interpretation, and of established precedents, according to which you may know your case will be decided.[1]

Certainly the opinion of one who as Secretary of State negotiated more treaties of arbitration than any American statesman and who appeared as leading counsel of the United States before a great arbitral tribunal, is entitled to no ordinary degree of respect and, instead of indiscriminate praise of arbitration and a denial of the differences between it and judicial settlement, the essentials of the two methods should be examined, in order to see whether a difference exists and whether, as Mr. Root says, "the next step * * * is to substitute for the kind of arbitration we have now * * * real courts where judges * * * pass upon the rights of countries * * * in accordance with the facts as found and the law as established."

It is believed that the Mohonk Conference could consider whether judicial settlement is the next step and, if so, how this next step could properly be taken. There is no finality in the domain of politics. A remedy which has served its term is cast aside for a better, just as the theory of natural law, which rendered inestimable services in the creation and development of international law, has been cast aside as a fiction. The conservative has his place, but however he may conserve the past, he does not make or mold the future.

Without, however, dwelling upon this question, about which, as has been said, there is much difference of opinion, the platform of the Mohonk Conference is quoted in full, and attention is called especially to the recommendation of an international court of justice, as recommended by the Second Hague Conference:

The Twentieth Annual Lake Mohonk Conference on International Arbitration while deploring the fact that the history of the past year has been disfigured by wars in both hemispheres, attended at times by shocking barbarities, recognizes unmistakable signs of the advance of the public opinion of the world towards the peaceful settlement of international disputes. The general peace of Europe has been maintained in spite of the grave situation in the Balkans; and in the face of threatened war, the American people have shown a praiseworthy self-restraint, and have accepted with commendable spirit the tender of good offices made in accordance with the recommendations of the First Hague Conference, by our sister republics of South America—Brazil, Argentina and Chile.

[1] Proceedings of American Society for Judicial Settlement of International Disputes (1910), pp. 11–13.

We recognize the far-reaching importance of the proffer and acceptance of mediation, and record our confidence that the work of the conference of mediators, now in session, will result in an honorable and permanent settlement of the points at issue between the United States and Mexico. We express unqualified endorsement of President Wilson's declaration that this country does not aim at territorial aggrandizement.

We call renewed attention to the necessity of such legislation as shall place all matters involving our relations to aliens and to foreign nations under the direct and effectual control of the federal government and the jurisdiction of the federal courts. Foreign governments can deal only with our national government; and the respective responsibilities of the states and of the nation should promptly be so readjusted as to terminate the anomalous conditions under which our friendly relations with other powers have repeatedly in recent years been menaced.

We urge such action by our government as shall secure the convoking of the Third Hague Conference at the earliest practicable date, with such thorough preparation of its program as shall ensure for the Conference the highest measure of success. We recall with satisfaction the initiative of our government in calling the Second Hague Conference and in securing provision in its convention for the assembling of the Third Conference. We express our satisfaction that steps have already been taken by our Government to facilitate the calling of the Third Conference. We urge upon our people and upon all peoples the importance of convening the Conferences at regular intervals.

We recommend that in addition to the present Permanent Court of Arbitration at The Hague, as established under the conventions of 1899 and 1907, there be established as soon as practicable, among such powers as may agree thereto, a court with a determinate personnel, as advised by the Second Hague Conference.

We gratefully recognize in the establishment since the last Mohonk Conference of the Church Peace Union, in the large development of the British and German Peace Councils, and in the recent solemn appeal of the churches of Switzerland to the churches of Europe for united effort in behalf of the cause of peace an impressive witness of the drawing together of the world's religious forces for the strengthening of international justice and co-operation; and we bespeak for the coming International Church Conference in Switzerland the earnest support of the American churches.

We express anew our deep interest in the proposed celebration of the centenary of peace between the United States and Great Britain, to be inaugurated on Christmas Eve, 1914, the anniversary of the signing of the Treaty of Ghent. We commend to the world the impressive example of the unfortified Canadian boundary line of 4000 miles. We rejoice that the plans for the proposed celebration include the official participation of many nations, and urge the co-operation of all friends of peace in this commemoration of the triumphs of a marvelous century of international good will and of progress toward international justice and righteousness.

Resolution

In view of the powerful influence exercised by the press, be it resolved that it is the sense of the Lake Mohonk Conference on International Arbitration that the

cause for which we are striving would be aided and encouraged through the convening of a congress of editors in Washington, D. C., for the discussion of international arbitration and for the awakening of the public conscience to the advantages of a peaceful settlement of differences arising between nations.

THE BARONESS BERTHA VON SUTTNER (1843–1914)

It is essential to the success of any reform that it be presented to the public in such a way as to gain and hold its attention. A small knot of reformers may convert their immediate friends and create a sentiment in favor of their projects, and this sentiment may suffice if the reform in question concern but a section of the community and can be carried into effect by the legislature, if it require a statute, provided that the reform does not meet with the opposition of large and interested sections of the particular community.

Thus John Howard started prison reform, and he and his followers only needed to overcome the indifference of the authorities and the public. Again, Sir Samuel Romilly started a movement in favor of the reform of the criminal law of England. This was preëminently a legislative question. Members of Parliament were apathetic; and, curiously enough, the judges, such as Lords Eldon and Ellenborough, set their faces against every attempt to lessen the number of capital offenses. But however unsuccessful he was in Parliament, his efforts attracted the attention of the public, and the great body of Englishmen became convinced of the essential barbarity of their criminal code. The efforts of Romilly's associate and successor in the good work, Sir James Mackintosh, were seconded by public opinion, which made itself felt even in an unreformed Parliament, where Sir Robert Peel, on behalf of a Tory Government and in the teeth of the old opponents, declared himself in his great speech of March 9, 1826, in favor of the reform of the code and, as Home Secretary, carried it out.

Let us take, however, an example of a larger movement carried to success which required and received the support of the public at large. The movement for the abolition of slavery in the United States was started by a few obscure reformers whose names are, however, treasured today by a grateful and regenerated people. Their appeal was largely to the conscience; it did not and could not touch or stir the heart. In 1852, one Harriet Beecher Stowe published *Uncle Tom's Cabin; or, Life Among the Lowly*. The situation changed, as it were, overnight.