

## THE ARBITRATION TREATY WITH GREAT BRITAIN

Covenants for arbitration, that is, arbitration treaties, between nations must, until some form of effective international police force is devised, depend for their value mainly upon the degree of civilization achieved by the contracting powers. Arbitration treaties with, or between, communities in a low state of development, at the best represent little real advance, and at the worst may represent positive harm; because they may tend to distract the minds of good people from methods by which genuine service could be rendered the peoples in question. The action of the United States in taking charge of the custom-houses in San Domingo, allotting the government part of the proceeds and reserving the rest for the benefit of the creditors, has conferred, from the standpoint of peace no less than from the standpoint of justice, a thousand times more benefit upon San Domingo than has been conferred upon the Central American republics by the building of a peace palace and by nominally securing among themselves arbitration agreements. The actual result in San Domingo was to bring a greatly increased measure of peace, justice, and prosperity; while the actual result in Central America has been either absolutely nil or possibly even the working of some small detriment by distracting men's minds from the fundamental fact that what is there needed is order and justice within the boundaries of each of the several States—imposed partly from without, if it proves impossible to get it wholly from within.

Between Great Britain and the United States it is now safe to have a universal

arbitration treaty, because the experience of ninety-six years has shown that the two nations have achieved that point of civilization where each can be trusted not to do to the other any one of the offenses which ought to preclude any self-respecting nation from appealing to arbitration. But no language should be used in the treaty which would tend to obscure this cardinal fact, this cardinal reason why the treaty is possible and desirable. Among private individuals the man who, if his wife is assaulted and has her face slapped, will go to law about it, instead of forthwith punishing the offender, would be regarded with derision. The reason why, in moderately civilized communities, it is not necessary to say that a man reserves to himself the right to assault any one who in his presence slaps his wife's face is the simple fact that in no such community is it now possible to imagine such action occurring. But to require any public official, or private citizen who takes an oath to obey the laws of the land, to include in that oath the specific statement that if his wife's face were slapped he would not do anything other than bring suit, would be rather worse than an absurdity. In just the same way, the United States ought never specifically to bind itself to arbitrate questions respecting its honor, independence, and integrity. Either it should be tacitly understood that the contracting powers no more agree to surrender their rights on such vital matters than a man in civil life agrees to surrender the right of self-defense; or else it should be explicitly stated that, because of the fact that it is now impossible for either party to take any action infringing the honor, independence, and integrity of the other, we are willing to arbitrate all questions.

Hypocrisy never pays, in the long run. Even if the indifference of the majority of the Nation should permit a specific agreement to be made to arbitrate such vital questions, that same majority would promptly (and quite properly) repudiate the agreement the moment that it became necessary to enforce it. No self-respecting nation, no nation worth calling a nation, would ever in actual practice consent to surrender its rights in such matters. Take this very case of the agreement between Great Britain and ourselves. Thank

Heaven! it is now impossible—and I use the word literally—that there shall ever be war between the English-speaking peoples. The events of the last ninety-six years have shown this to be the fact, and year by year the feeling between them has grown better and the determination to settle every dispute by amicable and honorable agreement based on mutual respect and consideration has become more fixed. But this is because of the attitude adopted by both during the ninety-six years. Go back a little over a century and conditions are wholly different. If Great Britain now started to exercise the right of search as she exercised it a hundred years ago, with its incidents of killing peaceful fishermen within the limits of New York Harbor, of kidnapping sailors by violence on the high seas, of ruining merchants through no fault of their own, of firing on American men-of-war and killing men aboard them—why! if any such incident occurred at present, this country would fight at the drop of the hat, and any man who proposed to arbitrate such a matter would be tossed contemptuously out of the popular path. The reason we can now afford to have a general arbitration treaty is that such incidents are no longer possible. As long as they were possible, an arbitration treaty would have been impossible, because they were matters which no self-respecting nation would arbitrate. This is a fact which can be tacitly ignored only as long as it is tacitly accepted. Any language which specifically attempted to deny its existence would be thoroughly unfortunate, because it would mean either that this Nation was taking an ignoble position because it had an ignoble spirit, or else that it was hypocritical, pretending to enter into an obligation which in actual practice, if the strain came, it would not for one moment carry out.

As regards Great Britain, the matter is academic, simply because there is no possibility in actual fact of the occasion arising which would make it necessary to try to carry out the unwise obligation. But we should be very cautious of entering into a treaty with any nation, however closely knit to us, the form of which it would be impossible to follow in making treaties with other great civilized and friendly nations. For instance, at this

very time Mexico has been engaged for some months in civil war, one of the incidents of which has been the repeated military invasion of our territory. Again and again armed bodies of Mexican troops have fired across the boundary and killed or wounded American citizens. In this case we have chosen to submit to such invasions, as is our right and privilege if we so desire. But it would be absolutely intolerable to bind ourselves to arbitrate the questions raised by such invasions. If, for instance, instead of its being Mexican troops firing into our inland towns and killing our citizens, it happened to be an English or a German or a Japanese fleet which, not once but again and again, fired into our coast towns, killing and wounding citizens, this Nation would immediately demand, not arbitration, but either atonement or war. In the same way, if a dispute arose between us and another nation as to whether we should receive enormous masses of immigrants whom we did not desire from that nation, no one who knows anything of the temper of the American people would dream that they would for one moment consent to arbitrate the matter. In such a case we should say that our honor, our independence, our integrity, and our very National existence were involved, and that we could not submit such a question to arbitration.

Let the treaty either keep silent entirely about such questions, it being tacitly but with entire clearness understood that of course the two contracting parties do not surrender those rights which lie at the foundation of all that makes national life worth having, or else let it make use of a preamble which will show that they agree to arbitrate all things only because certain things have now become unthinkable and impossible. But the treaty should make no explicit declaration of a kind which would brand us with cowardice if we did live up to it, and with hypocrisy and bad faith if we did not live up to it. Also, it is well to remember that as there is not the slightest conceivable danger of war between Great Britain and the United States, the arbitration treaty would have no effect whatever upon the armaments in either country.

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