THE LETTERS
(Letter No. 1)

OBJECT TO BE ATTAINED

Before taking up the several articles of the League of Nations Covenant in detail, some remarks must be made upon the general principles involved.

The first thing to be determined, and kept in mind, both by the framers of any document, and by those who study it, is the object to be attained. Now the primary object of any League of Nations is the maintenance of peace in the world; for although it may well aim at other benefits, such as the suppression of abuses, the relief of suffering, the improvement of social conditions and of agencies for international co-operation, yet the experience of the struggle just closed has shown the predominant importance of preventing wars which, if unrestrained, threaten our civilization with destruction. Other benefits aimed at by the League may be tentative, may be
attempted at first on a small scale and developed gradually as opportunity is offered; but
the prevention of war must be effective from the outset. This is the more difficult, however, because in trying any novel social ex-
periment it is wise to disturb the existing traditions and habits as little as we can, in order to raise the fewest objections to
its acceptance and to reduce the friction with customary practice to a minimum. In a
League of Nations this means interfering with national autonomy as little as may be, consistently with attaining fully the end in
view.

Assuming that the primary object of a league is to prevent war, it is clear that some other method of settling disputes
must be substituted for a resort to arms. So far as possible justice must take the place of force. In a highly civilized com-
munity the rights and duties of the citizens are regulated by laws which can be readily applied by judicial tribunals; but on account
of the imperfect state of international law that is much less the case in the relations between independent nations. Still their
relations are to no small extent dependent upon principles capable of accurate determination. This is true of rights under treaties which can be construed judicially like other contracts. It is true of a considerable body of international law which is in theory, at least, universally recognized as morally binding, and can be the subject of judicial treatment. It is true also whenever a case depends upon a question of fact capable of decision by an examination of the evidence. Such matters have been termed justiciable. But it is not questions of this kind that commonly provoke a resort to arms. Wars arise mainly from divergencies of national interests and policy which may often be reconciled, adjusted, compromised or suppressed by a process of mediation or arbitration, but not by judicial decision on strictly legal grounds. These dissensions, being political in their nature, must be dealt with on grounds of international fair dealing and expediency, and appropriate bodies for the purpose must be provided.

Having created some process of deciding justiciable questions and of adjusting political
ones, nations involved in a dispute must resort to those methods of settling it or they are fruitless. When both countries prefer arbitration to war there is no difficulty, but when one of them prefers to fight, and thinks itself sure of victory, it may not want to submit to arbitration and must be compelled to do so. An agreement to submit may be treated as a scrap of paper if no penalty is attached. Arbitration must be compulsory under a penalty which no nation will venture to face. The object is not punishment for the offense of going to war, or redress for the injury suffered, but a deterrent that shall be absolute; the aim is not retribution but prevention. Therefore the greater and the more certain the penalty the stronger its deterrent effect and the less the probability of its use. If it is great and certain enough it will never be used.

Finally the prevention of war must be accomplished not only by the settlement of disputes after they have arisen, but also by foreseeing causes of trouble and removing them before they have reached an acute stage. Hence there must be methods of frequent
consultation among the members of the League, for the interchange of points of view, for agreement on common policies, and not least of all for the expansion, precision and codification of the rules of international law which are now far too uncertain and incomplete.

No serious person believes that it is possible in the present state of the world to prevent wars altogether, and even after arbitration there may be a possibility of strife. But by a League of Nations wars can be vastly reduced, and the few that occur can be strictly limited in extent, thus saving untold suffering, and removing in great measure this scourge from mankind.