PEACE AND INDEMNITY.

There seems to be a disposition in some quarters to believe that because we are engaged in a war with Spain, and are likely to be able to impose our own terms of peace, therefore we can make these terms what we please. Accordingly it is now openly said that we shall not only free Cuba and annex Porto Rico, but dispose of the Ladrones and the Carolines, and perhaps the Canaries, and annex or sell the Philippines, and also, after making Cads and other Spanish countries pay a heavy ransom, shall impose as the price of peace an indemnity which is put anywhere from $350,000,000 to $1,000,000,000.

This view wholly ignores two important principles which have hitherto for the most part governed the intercourse of civilized nations with one another, and which are generally admitted by writers on international law. One is that contributions and indemnities are limited by the necessity which gives rise to them. The other is that the victorious nation must make peace when it attains the object of the war. The idea that one of the objects of a war always is to "make it pay for itself" has not been heard of since Napoleon's time, and it was the object to wring out of the European countries which he overran money enough to recoup himself, that his downfall was in great part due. As a recent writer puts it: "Throughout his career he endeavored, with marked success, to act upon the principle of making each war support itself. Contributions as well as requisitions were levied with recklessness severity, wherever the soldiers of the Republic and the Empire carried their victorious standards, till at length a French army became as terrible a scourge to the people as were the feudal exactions and seigniorial privileges swept away in consequence of its successes." Modern war is distinguished from the warfare of earlier times in nothing more than the fact that no nation now attains another with the idea of making a "good thing" out of it. It avows its object when war is declared, and when the object is attained it is ready to make peace.

Hallack, in his discussion of treaties of peace, quotes a number of authorities to the effect that a war must not be continued beyond its lawful object; and in the latest edition of the book attention is called to the fact that some writers who advocate a general right of intervention in the affairs of their neighbors, deem it "a most proper occasion" to intervene when a war "is unlawfully continued beyond the just objects of its inception." The principle, it is said to say, is grounded upon the fact that any other would be fatal to the peace of the world, which is always the concern of so many millions more than the issue of any particular war. If a nation, having declared war for a legitimate object, were permitted to substitute other and different objects, as it saw fit, and also to enforce these demands by means of ransoms, contributions, and indemnities, there would be nothing to prevent any war from being converted into one for conquest and subjugation, at the pleasure of the successful party; and if the principle of making the vanquished pay for the whole war were once established, this would be always made, if possible, the substituted end of the war. In the present case, for instance, we should be saying that while it is true that we went to war to pacify Cuba, and not for territorial aggrandizement, we must come out of it "whole," even if we have to overrun Spain and all her colonies and hold them and collect their revenue for twenty years.

It follows from this that there in an obligation, binding, morally and in common sense, on the victor, to be ready to make peace when the objects of the war have been attained; and it also follows that in offering peace the victor cannot afford to introduce now and impossible conditions, as that the conquered nation shall pay an indemnity inflated to the point of making the war a profitable operation to the conqueror. This obligation is especially binding in a war undertaken, as in the present case, not for conquest or destruction, but in order to restore peace, order, and prosperity on grounds partly philanthropic. If we were to impose a burden on Spain so great as to produce more wretchedness and misery in that country than we relieved in Cuba, we should be put in a false position before the world. We should, in fact, be playing over again the part of Napoleon when he offset his rapacious impositions the good he did in freeing Europe from the old régime.

These considerations regarding the probable terms of peace are just now temporaromly obscured by the fact that the main object of the war is not yet attained. The Spaniards still hold Cuba, and to get them out of Cuba is the object of the war. If they had originally yielded to our demands, there would have been no war; whenever they are ready to evacuate now or whenever they are driven out, they may fairly call upon us to offer them an honorable—and possible—peace. The question of indemnity will then arise, and the idea that we can make that what we please will be seen to be preposterous. We can hardly imagine anything which would put this country in a worse light than a reasonable suggestion of peace from Spain—a suggestion of terms such as would satisfy reasonable minds—frustrated by our insistence on inflated indemnity. The Administration must, and no doubt will, remember that no professions of philanthropy will count for anything in the face of such a demand, and that it would make enemies for us on every side.

No one knows better than Mr. McKinley and the officials who have, since the retirement of Mr. Sherman, managed the State Department so well, that we are bound to keep these considerations in view. When one nation engages in an avowed crusade against another in the interest of good government, it must itself bear some of the burden, and it must see that in enlarging the "area of freedom" in one direction it does not sow the earth with salt in another. There is room for a wide margin between the demands of irresponsible newspapers and any probable terms on which peace can be arranged; and it is worth while to keep always in view to what the extreme theory of our rights in war would lead. The moment any nation attempts to act on the theory that war concerns only the parties to it, it is brought into collision with the fact that it directly concerns all the world; consequently there are on every side limits to what it can do in war; and these limits are fixed by the interest and situation of the whole family of nations. A nation which refuses to recognize this takes arms against the world; consequently, every nation nowadays does recognize it, and shall we...

JUSTICE BREWER'S WARNING.

As the "impending crisis" in our national policy will very soon arrive, it is of the greatest importance that men of high standing in the community should speak out at once. This is especially true of such lawyers as have made a study of the Constitution and political institutions of the United States. They are better fitted than ordinary citizens to appreciate the fundamental principles of free government and human liberty, and it is incumbent on them as a patriotic duty to give the country the benefit of their wisdom. Public opinion is not yet formed on the question of coaling stations; it needs to be informed. When intelligent people really understand what this policy involves, they will be more and more inclined to hesitate before adopting it. The recent address of Mr. Harmon before the Bar Association of the State of Ohio was of a nature to arouse serious reflection, and the opinion of Justice Brewer, in the late Supreme Court of the United States, which has just been given to the public, through an interview, is even more weighty.

It is no doubt true, Justice Brewer concedes, that we may have to take possession of the Spanish colonies in order to compel Spain to make peace. As we overthrow the existing governments we must set up others in their place. We cannot let loose anarchy in the name of humanity. But, having assisted the people of these colonies to set up governments of their own, we should withdraw and let them work out their
Copyright of Nation is the property of Nation Company, L. P. and its content may not be copied or emailed to multiple sites or posted to a listserv without the copyright holder's express written permission. However, users may print, download, or email articles for individual use.