Business World's Grievance Against Germany

A Nation Organized Like a Trust, Conspiring for Restraint of all Trade Without Guidance of Reason or Conscience

By EDWARD A. BRADFORD

A S the recording angel catalogues Germany's crimes the world is beginning to understand just what it can be. How is it possible for a man to order such a crime as the Influenza. Why has it been allowed to kill the Lusitania, or the shooting of a nurse or the Captain of a merchantman, or other atrocities committed to their people or to human or Divine? Or, how is it possible for officers and gentlemen to execute such orders?

There is no answer to such questions regarding countries peoples or ruled by men, and such crimes committed by their behalf. The meaning is not that Ger-

manmen are not men, but that they have subordinated themselves to their place in their State as subjects, mere cogs in a mechanism. That is not true of any nation, or of any people, or of all nations as Germany. It is not true of any State where the ruler is supreme. In that case there is a union in the individual ruler of all powers of knowledge, judgment, and action. History holds few if any mon-

archs whose wisdom, statesmanship, or moral purity in their acts as monarchs. If a Caesar or a Sultan be taken as types of emperors, it is because of their absolute power and their lack of a common bond by which to control them.

If used under moral restraint, or if used in disregard of conscience, the end is not a lasting one. The whole thing is wiped out by the incapacity of a single mind both to know and to do. The end of Germany is not in sight for that reason, and Germany's position as a State. It is true that the Kaiser boasts himself such a monarch, and that Germany is a State, but it is a State in a lack of the German Government to the popular will. Nevertheless the Kaiser is not supreme. He is not a subject of the German Government, and the German organization is the enemy of the world rather than the Kaiser. No doubt the Kaiser has a grievous share of responsibility, and the world will not profit him as a ray of hope more than the man released the torpedo against the Lusitania.

The task of the State and the humble officer were but the extremes in the personnel. They were not the ordinary soldiers and sailors, who, by the use of their brains, but lacked a personal conscience. The organization which possesses a con-

science is as rare as the man who has one at least rudimentary form. As the lawyers say, corporations have no souls to be kicked. That is true of Germany so far as the outside world is concerned. The task of the General Staff and the Civil Service is as much the same as that of the United States respecting its trusts. Germany must either be brought under the control of a law, or, better yet, be given a conscience for self-control.

Governor Cerro said Germany makes this plain in his book on his four years in Germany. What, he asks, is the mysterious power which supported the policy of Germany to-

ward the United States and the rest of the world? It is the restricted submarine warfare?

Was not the Chancellor, who noted

ously, the highest authority of Germany? * * It was not the Em-

peror, he said, but the Civil Service. He mentioned the head of the great General Staff, who deduced all the nation's policy from the head of Germany which ultimately decides every action of the country. By its own head, is the great General Staff.

The staff decide, the line execute. The government of Germany is as self as responsible to any law, either human or Divine, and neither has a con-

science or sense of morality, as men have. That was the fault of our trusts before we reformed them. They were too effi-

cient, and cared nothing for any restraint upon their efficiency. There was no law to control them, for there is no common law in the United States Federal jurid-

iction, except such as Congress enacts. And Congress never created any con-

trary to the laws, as the possible, of making the same mistake regarding the German organization.

We made regarding our trusts. We thought, or most of us thought, that the trusts should be smashed. It was tried and abandoned as impossible of ac-

complishment, and too destructive if done.

There are those who think now that Germany should be smashed. It is prob-

ably both impossible and undesirable to smash Germany, just as it is likely that Germany cannot smash Russia. Ger-

many and Russia are likely both to sur-

vive all that the world can do to either of them. Russia needs a General Staff, but the world cannot allow Germany to be-

sit, at least not until the world has given a conscience to the German Gen-

eral Staff, or has established an interna-

tional jurisdiction and law for the con-

trol of nations in the form of trust or-

ganizations.

Every land has its trusts, and experi-

ence shows that their line and staff or-

ganization hardly knows any limit in law or morals to their accomplishments in economics. Other nations have brought their trusts under the control of law. Some trusts have developed a moral sense, and found it good business. Ger-

many made its trusts official while we were smashing ours, before we learned that control and barriers were the case for. In their external activ-

ities German trusts and German Govern-

ment are two of a kind. Men of business have grievances against German trusts which resemble in quality and quantity of offenses the grievances the nations and peoples of the world have against the German Government, or, as is suggested here, against the General Staff line and organization rather than against the political organization.

Germany might have its own sort of politics if it would keep it at home. It cannot export its Kaiser or Reichstag. But it exports its organization everywhere, and the sense that its activities are felt economically throughout the remotest corners of the globe. Germany swallows competitors as ruthlessly as she swallows linens, and with as little conscience. Her compe-

tition is as "unfair" as that of our trusts before we put the hooks of the law into the jaws of the leviathan.

It is necessary to curb Germany in or-

der to make the world safe for business. And the number of those who care for business is incomparably larger than the number of those who care for politics. Democracies and republics have sympa-

thetic relations, just as all monarchs are "cousins," but business makes the whole world kin, and there is business under monarchies and democracies alike, without regard to politics. There is no law about politics, and probably never can be, so long as politics does not disturb property and business. But there is a world law of business, for all the world trades together, and thereby estab-

ishes a common law of business. The world problem is to enact an existing in-

ternational common law of business, just as we had to enact an existing common law for the regulation of trust conduct.

It is easy to see why there is no inter-

national code of law, and why there never can be one, as long as business and poli-

tics are mingled. No nation can allow another nation to impose law upon it, and no formula for international law can be agreed upon. Under our laws a man is entitled to trial before a jury of his peers. There can be no such jury in in-

ternational cases. The case starts with prejudices, which never were so strong as now. The world is in hostile camps, and there are those who would like to see business done under systems of boycott or economically hostile organizations.

This war must have an end, but a war of boycott would run interminably, with loss for all and benefit for none.

Preferable to a war of all against all would be a union of all for all. This never can be accomplished by imposing a new law. Our Supreme Court found that impos-

sible in the case of our own domestic af-

fairs, and the talk grows with each Gov-

ernment brought into the combination against conscientious organization in business. The solution is hinted in our

Supreme Court's discovery of the rule of reason, and adoption of existing com-

mon law principles. The international rule of rea-

son would be the divorce of business from diplomacy and politics, and the adoption of commercial practice between individ-

uals to guide the principles to govern na-

tions in their business relations.

It may have been made plain that it was not the German General Staff regarding what international law ought to be on such matters. This work has probably been done in less degree, in leaving the regulation of such matters in future wars to the diplo-

macy of representatives of the people of all nations. That is the rock upon which the drafting of international codes has been broken, and it has almost been expected to be wrecked hereafter until human nature shall have been regenerat-

ed. It is a step forward to make the Declaration of London international law because Germany wanted to put into it a German idea of freedom of the seas, particularly the "right" of capture of food destined for noncombatant ene-

mies on the plan that it was intended for enemy armies. Germany might as well have proposed that it should be unlawful for the United States to sell food to England.

On the other hand, it might be possible to work out some sort of a solution. The question of fact regarding what the inter-

national law is, as distinguished from what we like it to be, is easier than the question of fact as to what the American law or the British law is. We may be able to devise a formula to put the laws of nations into a common code, and thus make the Declaration of London international law because Germany wanted to put it into it a German idea of freedom of the seas, particularly the "right" of capture of food destined for noncombatant ene-

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