

lessness as incomparably more prejudicial to a community than any amount of casual lawlessness that would be likely to take place in a civilized country. He was right. Rioting only disturbs, while governmental lawlessness subverts public order. And that is the view which Gov. Stephens adopted. He admonished the local authorities to preserve the peace, assuring them of state support if necessary; but he refused to make the occasion an excuse for unnecessary resort to military power. He has courageously set a much needed example in these days when the spirit of militarism has taken possession of the influential classes.

An exceedingly important if not vital question with reference to the attitude of the United States toward the British war in South Africa has been raised by Edmund H. Smalley, a republican lawyer of Chicago. In an open letter to President McKinley Mr. Smalley reminds the president not only that the British ministry is brazenly violating international law in prosecuting the war to the point of destroying the independence of the two republics, but that it is the privilege of the American government, in accordance with international law, to enter a protest. More than that, as Mr. Smalley points out, the American government, if it allows the annihilation of these two republics to proceed without rebuke, will become a party to a revolutionary precedent which may hereafter place every weak state at the absolute mercy of any superior military power with which it becomes embroiled in war. The American republic itself, should the accidents of war bring defeat upon it, might be deprived of its independence upon the basis of the South African precedent to which it now silently assents.

On the point of the lawlessness of the policy Great Britain is pursuing, Mr. Smalley quotes from leading authorities in international law, having first recalled the declaration of Lord Salisbury that the British min-

istry intends to leave "not one shred of independence" to either of the South African republics. In Vattel's great work he finds the notion that a conqueror is absolute master of his conquest denounced as a "monstrous principle." The true rule is there declared to be that the conqueror, to indemnify himself for the past and secure himself for the future, must "prefer the gentlest methods, still bearing in mind that the doing of harm to an enemy is no further authorized by the law of nature than in the precise degree which is necessary for justifiable self-defense and reasonable security for the time to come." And from Woolsey's "International Law" Mr. Smalley makes this apt quotation:

Natural justice knows nothing of a right of conquest in the broad sense of that term, that is of mere superior force, carrying with it the license to appropriate territory or destroy national life.

And though Dr. Woolsey recognizes the right of a conqueror to restrain the conquered from renewing hostilities, he denies that mere subjugation of the inhabitants of a country, even in a just war, confers the right of conquest; and he asserts that—

redress and punishment ought not to exceed due limits, nor ought self-protection to demand an exorbitant security. In accordance with this the spirit of conquest is regarded by the nations as a spirit of robbery and hostility to the human race. This is shown by their combinations to resist it, as in the wars against Louis XIV. and Napoleon; by their protests against acquisitions regarded as unjust and against alliances formed for the injury of weak states; by the pretexts which the aggressors seek to shield themselves from the condemnation of the world; and by the occasional consent of the victorious nations to give a price for the territory acquired in war.

These extracts are sufficient to indicate the principle of international law to which Mr. Smalley appeals in behalf of the continued independence of the South African republics. Further indication is not necessary. It would probably be admitted by experts on all sides that no nation, by the mere exercise of superior power,

has the right under international law, for any cause or upon any pretext, to divest a state of its independence. That doubtless is the law. And all intelligent and fair minded men, though not experts, will understand that it ought to be the law. For if one powerful state may be permitted thus to destroy the independence of a weaker state, it is only a question of time when one all powerful empire—possibly Great Britain but more likely Russia—will hold the rest of the world in military subjection. At the very least, all wars would become terrible struggles for national existence, for the conqueror would always hold the destiny of the conquered in the hollow of his hand.

It is Mr. Smalley's second point, however, that more vitally interests the American people—the point that it is the privilege and duty of the American government to protest against Great Britain's asserted purpose of destroying the independence of the two South African republics. On this point he addresses the president in these terms:

While our traditional policy has been to remain aloof from foreign complications, our government has seldom hesitated to express its sympathy with liberal movements, even when such opinion was displeasing to monarchical or despotic governments. . . . Your predecessors have in several instances expressed themselves as to terms of peace between foreign nations. President Arthur in 1882, in his second message to congress, said: "It is greatly to be deplored that Chili seems resolved to exact such rigorous conditions of peace and indisposed to submit to arbitration the terms of amicable settlement. No peace is likely to be lasting that is not sufficiently equitable and just to command the approval of other nations." Mr. Fish, in behalf of President Grant, in the interests of peace between France and Germany, wrote Minister Washburne "to contribute what you may to the presentation of such terms of peace as befit the greatness and the power which North Germany has manifested, and as shall not be humiliating or derogatory to the pride of the great people who were our earliest and fast ally."

In these circumstances Mr. Smalley urges the president to admonish the British ministry that our republic

would regard the annihilation of the South African republic and the Orange Free State as contrary to the law of nations and as an act which our government and people would not willingly accept as a precedent, so far at least as their own interests are concerned.

In making that recommendation, Mr. Smalley points the way to a speedy ending of the war in South Africa through an entirely peaceable and not unfriendly protest on the part of President McKinley. If he were to advise Minister Choate as Mr. Fish advised Minister Washburn in 1871, or were in some public manner to deplore the fact that Great Britain demands such rigorous terms of peace, as President Arthur did with reference to Chili in 1882, the British ministry would at once end the South African war upon the basis of the independence of the two republics. Nothing but their refusal to adopt that basis prolongs the war, for upon that basis the two republics have offered peace. And nothing but confidence in the friendly support of the American government encourages the British ministry in insisting upon that refusal. The destiny of those little republics, along with a portentous precedent in international usage, depends upon President McKinley.

The question of admitting clubs of colored women into the National Federation of Women's Clubs, is a very different question, so far as the general public is concerned, from that of denying colored people their civil or political rights. Within the federation itself, the despicable absurdity of excluding a woman like Mrs. Josephine Ruffin, for no other reason than that she is not a pale face, was a legitimate subject of discussion; but as it involved none of her rights as a woman the subject is not one with which the outside public has anything to do. It is the prerogative of the Federation of Women's Clubs, as of all other voluntary organizations, to admit or exclude at pleasure.

Voluntary association is a matter purely of congeniality and in its choice of membership every club or federation of clubs may give as full play as it wishes to the prejudices of its members against race, religion, politics, or color of skin, hair, or eyes, or against anything else whatsoever. Outsiders may have their opinion and express it freely about clubs which, having professedly large objects in view, are influenced by such petty considerations; but persons who are excluded cannot complain, nor can the public complain for them. It is when rights, civil or political, are involved, that public protests are in order. Negroes have the same rights as white men, and those rights must be maintained. But privileges of personal association are a different matter.

"Of course Mr. Bryan is not correct on any economic question," is the manner in which the New York Journal of Commerce begins a criticism of Bryan's North American Review article. The eminently judicial spirit of that opening remark challenges admiration. But it also excites suspicion. The critic who assumes at the outset that of course the person about to be criticised is not correct on any question, discredits his criticism in advance. In this case, however, the Journal actually proves, while trying to show the contrary, that Mr. Bryan is correct upon the very matter upon which it ventures specifically to criticise him. Bryan having written of home owning as decreasing and tenancy as increasing in this country, the Journal essays to show that the statistics to that effect imply increasing prosperity instead of increasing poverty, but in fact shows the contrary.

We quote the Journal on this point from the issue of the 7th, in the very language of its criticism of Bryan:

Tenancy appears from the last two censuses to be decidedly on the increase in this country, but it is not the result of growing poverty among farmers; it is the result of the increasing price of land; one of the com-

mon marks of prosperity. Tenancy does not grow by the change of the same individual from an owner into a tenant; the farmer does not sell his farm and then hire it. Tenancy increases because farm land becomes too expensive for a man of small capital to buy, or because the owner can get rent for it and live in town on the rent without working. In the west vast numbers of farmers acquired land many years ago for little or nothing from the government and the land-grant railroads. They were owners because the land was cheap. They are now getting old and retiring from active work and their farms are worth \$20 or \$40 an acre, and there being no more cheap lands the young men or immigrants who are looking for farms, hire these farms instead of buying. Thus the owning farmer is replaced by the tenant farmer because the former has acquired a competence, not because he has become poor. This process has been going on so extensively in Nebraska that Mr. Bryan's unconsciousness of it shows how poor an observer he is.

Instead of showing how poor an observer Mr. Bryan is, the editor of the Journal of Commerce here shows how poor a reasoner he is himself. The difference between him and Mr. Bryan is that whereas Mr. Bryan considered tenants as well as landlords, when reflecting upon the increase of tenancy, he considers only landlords. This one-sided consideration is evident at once from his remark that increasing price of land is "one of the common marks of prosperity." That increasing price of land marks the prosperity of landlords may be true enough. But it does not mark the prosperity of tenants. Higher price of land means for tenants not only higher rents, but it means also reduced opportunities of acquiring homes. It is the landlord's prosperity, not the tenant's, that the Journal of Commerce has in mind. And that this is so is confirmed by its remark farther on, where it says that "the owning farmer is replaced by the tenant farmer because the farmer has acquired a competence, not because he has become poor." We have to take the Journal's word for this contention. There is no proof. But let that pass. Suppose the farmers who got land for nothing years ago are in fact