

excitations of his fears. In one paragraph Aguinaldo says, it will be observed, that his countrymen have declared for peace and that he respects their will—"now that it is known to me!" Known to him! What better opportunities for knowing the will of his countrymen could he have had in close confinement as an American military prisoner at Manila than he had in freedom and as their acknowledged leader? This is at least a suspicious thumb mark on his manifesto. Yet it would be useless to speculate upon the true inwardness of Aguinaldo's conduct in first taking the oath of allegiance to the United States—not as a citizen but as a subject—and then issuing this surrender address to his fellow subjects. Not until he shall have been set free, and got beyond the bounds of the American military power and censorship which center at Manila, will the world know even Aguinaldo's version of this matter. The whole truth may lie concealed in Washington pigeon holes until some successor of Mr. McKinley lets it out.

There was a time when the colleges of this country held morality in some respect. They at least paid to it the familiar tribute which vice is said to pay to virtue, and there is no good reason for suspecting that their respect for it was not as profound and sincere as it appeared. But what shall we say now of Yale, for instance, whose professor of international law, Theodore S. Woolsey, has contributed to the Outlook (April 13, page 855) a paper on "the legal aspects of Aguinaldo's capture," in which there is not even a pretense of genuine respect for moral considerations?

Prof. Woolsey begins with a reference to The Hague treaty, which, though binding only on the parties to it, he regards as "the latest and highest standard of conduct in carrying on hostilities." Referring to that standard, as well as to other guides, he concludes that if the United States

were "waging war with a civilized power which was itself governed by similar rules, Gen. Funston would be properly criticized for disguising his men in enemy's uniforms, but not for employing forged letters." But as the Filipinos are not a party to The Hague treaty, he holds that "there was no obligation on the part of the United States army to refrain from using enemy's uniforms for the enemy's deception," and that "the question is thus one of ethics and policy, not of law." Had Prof. Woolsey stopped here he would have been within the limits of his subject, and amenable to criticism only for possible error of judgment or lack of knowledge as a legal expert. But when he had shifted the question from the legal to the ethical forum, he followed after it and defended the infamous episode upon the principle that the end justifies the means. "Contrast the good," he urges, "likely to follow from the hastening of the end of the insurrection by means of Aguinaldo's capture, with the offense of the use of enemy's uniforms—a stratagem illegal in war only with a lawful belligerent—and you have the measure of the justice of the criticisms of this affair."

The devilish perversity of that ethical reasoning will be apparent if we reflect for a moment upon what it involves. Since the laws of war do not govern a civilized nation at war with a people whom it may choose to regard as uncivilized, they not having been formally recognized as a nation, nor invited into the close corporation of The Hague conference, the civilized belligerent is remitted for his rules of conduct to the principles of ethics. And when its officers resort to forgery, deceptive use of enemy's uniforms, violations of enemy's hospitality, and general bad faith so gross that the enemy would be justified by the laws of war in hanging them, their conduct is ethically defensible provided "the good likely to follow from it" is in favorable contrast! This principle would apply, be it observed, not only

to the acts of bad faith specified above, but to any other act which the rules of war forbid when both belligerents are "civilized." The civilized nation might, for instance, find ethical justification for firing upon flags of truce, shooting and hanging prisoners, applying "water cure" and other torture to captives, razing villages without notice to noncombatants, poisoning wells, burying the living wounded, slaughtering women and children, or committing any other infamy, provided only that "the good likely to flow from it" were relatively of sufficient importance to the civilized belligerent.

Prof. Woolsey has offered the American people the most perfect possible recipe for getting themselves uncivilized. And that is one of the worst features of the Funston episode. It is not that Aguinaldo was captured. His fall is but an incident, an event among millions multiplied by millions. The horror of it all is that, through exploits like Funston's, outraging all the moral sensibilities, but rewarded magnificently by the president and defended on ethical grounds by a great professor in a great university, the American people are invited to become moral degenerates.

Mark Twain has evoked a scathing criticism from Dr. Wyland Spaulding, president of the Congregational Clerical union of New York. At the meeting of that organization on the 22d, Mr. Spaulding measured Mark's intellectual and moral dimensions with the remark that "all that can be said of Mr. Clemens is that he is a man of low birth and poor breeding." What appears to have excited Mr. Spaulding's aristocratical contempt is the fact, as he states it, that Clemens "has not had the decency, now that there is shown to be no authority for the statement he made, to come out and retract." But the indecency seems to be Mr. Spaulding's rather than Twain's. For Mr. Spaulding alludes to Twain's criticism of a certain missionary in China,