JOINT COMMISSION ON THE PROBLEMS OF THE INTERNATIONAL SETTLEMENT

Memoranda on Some Crucial Questions

I

GENERAL PRINCIPLES

II

ALSACE-LORRAINE

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PRICE TWOPENCE

NOTE.

These memoranda deal with some of the crucial questions which must arise in any attempt to solve the problems of the settlement in the light of an organized Community of Nations. The acceptance of a world organization, following the war, is assumed as a basis of argument. And further the view is taken by the Commission that the adoption of the policy of disarmament is essential to a satisfactory settlement, and alone supplies a possibility for the satisfactory treatment of minority nationalities.

I. General Principles

(*a*) POLITICAL

THE principle of good government is government by consent, not government by coercion. Therefore, when questions of territorial rearrangement arise at the end of the war, the destiny of any particular province should be determined according to the wishes of the population of such province—due regard being paid to the general interests and welfare of the world as a whole.

Where antagonistic nationalities are so closely mixed that no corporate expression of self-determination can be achieved, a solution should be sought on the lines of equal rights for all sections.

Backward races should have the free disposal of themselves and their labour secured to them; it being the duty of the society of nations to guard jealously against exploitation of weaker native races by combined efforts on their behalf.

Absolute State sovereignty is antithetic to peace and the common interests of humanity.

International political acts are too easily assumed to be rightly acts of Governments only. But all major political action, from the standpoint of modern democracy, should be, by and with the declared consent of the people. Hence means must be found by which agreed international political acts are ultimately determined by the peoples through an international parliament, congress or assembly [pending the establishment of such international organ all treaties and agreements should be subject to the consent of national parliaments]. Especially is this true in regard to the crucial problems which divide nations and which, if wrongly determined by a non-democratic organ, or by autocratic means involve the peoples, without their consent, in wars, death, and unlimited suffering.

An agreed international act is the expression of an internationalization of power and creates an international right and an international responsibility. If in the interest of the

Society of Nations a new State be created, or a State or territories be neutralized or internationalized, or an international right of passage through a waterway be established by an act of the Powers, or of some of them, the Powers concerned cannot divest themselves in exchange for supposed equivalent national interests of the international rights and duties created by their act.

Freedom of Exchange is a fundamental political right and no solution of the crucial questions of the settlement should seek to set aside this right, whether for allies, neutrals, or enemies.

(*b*) ECONOMIC

The economic questions that should be taken into consideration at the Peace Settlement may be divided into two classes —those where some general principle of international law is enacted, applying to all countries alike ; and those in which, owing to changes of territory arranged at the Peace itself, it is necessary to make some special stipulation to prevent the creation of new injustice and friction. The first class should aim at the final establishment of International Free Trade as the only radical remedy, but as that will almost certainly be impossible of immediate attainment, the only practicable course will be to try to agree upon one or two general rules leading in that direction. It is important to come to agreement on as many of such provisions as possible. A few may be suggested :

1. The open door in Colonies and Protectorates under Control of the Home Government.

2. The access to the open sea for such countries as Serbia, Hungary, Russia, and Rumania, by such expedients as proclaiming the Adriatic coast a " free port " area and the international control of the Dardanelles.

3. An international agreement not to impose any new duties on necessary foodstuffs, bread, meat, etc., but to keep in existence all suspensions of such taxes made during the war. It is possible that this might be obtained and, if so, it would be a very important step, rendering a rapid advance towards universal Free Trade almost certain. The world will be faced with very dear food for some time after the war, and it will be hardly possible to reimpose suspended food tariffs for a few years. In addition to Great Britain, Holland and Denmark, the following lands which taxed imported corn before the war will enter the Conference with free imports of bread, or meat, or both.

Corn.—Germany, Austria, Spain, Italy, Sweden, Norway (?), Portugal (in part), Switzerland, Australia, and Canada and America, in so far as the mutual trade of these two countries is concerned.

Meat.—France, Germany, Austria, and Spain.

Three points are to be noted here : (1) All the great *importing* countries have had to suspend their tariffs. Exporting countries, like Russia, where food taxes do not operate, would probably not object to come into a common agreement that import taxes on primary necessaries should be given up. (2) With dear food and impoverished peoples immediate resumption of such tariffs will hardly be feasible, and the opposition to a proposal to prevent their reimposition at some future time would not be very strong, while the democracies could be relied upon to give the provision an active support ; and (3) The effect of the change would almost certainly be to make the agricultural interests throughout the world strong opponents of Protection, and in the long run to render Protection of manufactures impossible.

(4) A general agreement to abolish discriminating tariffs in international trade, including trade between Colonies and the Mother Country.

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As much as possible of the above programme should be obtained at the Conference—if there is a real will to peace and any insight into the dangers of the present anarchy, they should all be agreed to. Nevertheless, they would still leave to every nation a power for mischief in tariff making which it should be the aim of international legislation to abolish. International law and the due limitations that ought everywhere to be imposed in the interests of the world's peace on the sovereignty of States will take some time to develop and establish wherever we are dealing with Governments already in existence. In the case of new States or of provinces transferred by international agreement to Governments already existing, however, there should be an immediate attempt to establish what should ultimately be universal international law. With each such transfer should go a duly registered International Title, and with the Title should be registered the conditions under which it is given, and on the observance of which alone it will be continued. It is only on the economic conditions to be observed that we are here dealing. These should provide :

1. That in the case of any territory transferred to a new Government, that Government should become responsible

for an agreed proportion of the national debt of the country ceding the territory.*

2. That the province ceded should not automatically come within the tariff of its new governors, but that its Customs tariff should be so arranged as to avoid injuring established trade relations with its former owners.

(c) CULTURAL

If the mind of any people is to be directed towards peaceful development, freedom must be secured to it in religious and educational matters, in the practice of its arts, in the choice of social institutions, in the exercise of its distinctive manners and customs, and in the free use of its mother tongue.

Where several races exist under one government, or form part of a confederate State, religious freedom should be secured to all, and all churches should receive equal recognition from the State. Education should be allowed in the native tongue and on the lines of the national traditions of each race. National literature and art should be given equal opportunities of development.

Freedom of the Press and the rights of free assembly, together with other civil liberties, such as free disposal of labour, freedom of travel, freedom to observe national holidays, customs and observances, freedom of association in clubs, societies and social institutions generally, should be secured to each and every race.

The truth must be established that nations, like individuals, should be able to possess their own souls, so that they may be at liberty and rest, and free to contribute to the higher development of neighbouring races and of the human race generally.

* As far as current revenues are concerned, money raised in a province must generally be spent in it. Thus, there is no *financial* hardship in the transfer of a province from one State to another, increased income meaning proportionately increased expenditure. The share of the taxes derived from any province transferred from one State to another, which may have been devoted to paying interest on debt, would, unless some provision were made to prevent it, make the transfer a source of profit to the taxpayers of the one country and of loss to those of the other. This is neither just nor expedient. The proper amount of compensation to be paid when any transfer takes place should, of course, be determined by neutral arbitrators after full investigation, but it is most desirable to limit as far as possible all international disputes about territory to considerations of national sentiment and independence only, and to eliminate all possibility of financial gain or loss.

II. Alsace-Lorraine

(*a*) POLITICAL

History.

Generally speaking, the population of these two provinces, with the exception of Western Lorraine—the district around Metz—is German by race and language. The Dukes of Lorraine were vassals of the Kings of France in the thirteenth century; but, although undergoing many vicissitudes, Lorraine remained a more or less independent Duchy until the death of Duke Stanislaus in 1766, when it reverted through his daughter, wife of Louis XV, to the Kingdom of France.

Alsace, on the other hand, after enduring the rule, throughout the Middle Ages, of various Princes, Bishops and Free Towns, was seized during the Thirty Years' War and the period immediately following and annexed to France. The people kept their German language; but, when the French Revolution brought the old regime to an end, they enthusiastically adopted the new Revolutionary doctrines. Strasburg was one of the strongholds of the Revolution. The Alsatians became Republican. Paris was their spiritual home, not Berlin or Vienna. They became one with the French by sympathy and sentiment.

In 1871 Germany disannexed Alsace on the ground that the province was historically German. She also annexed, for strategic reasons, a strip of French Lorraine around the great fortress of Metz.

At that time the inhabitants of Alsace-Lorraine numbered 1,549,738. Since then many changes of population have taken place. Up to 1874, 200,000 of the inhabitants had crossed the frontier rather than accept German rule, and it is stated that in all nearly 1,000,000 have migrated to France. Their place has very largely been taken by immigrants from Germany, who have settled down and built up prosperous industries. The two peoples have to some extent inter-married, and it is said that 12½ per cent. of all marriages in the provinces are between German immigrants and the original inhabitants.

In 1911 a certain measure of autonomy was given to Alsace-Lorraine, a Diet being created, and representation granted in the Bundesrath.

Difficulty of Problem.

The problem is admittedly a difficult one. We hear that the French people are imbued with a passionate and persistent desire to recover the two "lost provinces," and we have the various declarations of leading French statesmen to the effect that the restoration of Alsace-Lorraine represents the minimum French demand. On the other hand, it would be natural to suppose that the German resistance to such a surrender would be a specially stubborn one owing to the existence in Lorraine of an enormously rich ironfield. Before the war this ironfield supplied three-fourths of the entire production of Germany. Its loss, therefore, would be a severe blow to German industry, especially if, owing to the policy of the Paris Economic Conference, the Germans were prevented after the war from buying iron ore from this field as they formerly bought large quantities of iron ore from French Lorraine.

Against these two points we may balance the following:

First, the doubt as to whether the French people, if they could once secure the evacuation of the French territory now occupied by the German armies, would really be willing, in view of the dreadful losses they have sustained, to prolong the war and to pour out more blood in order to make good the claim of President Poincaré to the whole of Alsace-Lorraine.

Second, the suggestion that the German Government might be willing, as a part of a process of bargaining, either to constitute Alsace-Lorraine an independent buffer State or, alternatively, to cede Metz and the surrounding district on terms to France, a suggestion which finds some support in the advances made to Monsieur Briand in September, 1917, which, it is alleged, included an offer to restore Alsace-Lorraine to France.

Ascertaining the People's Wishes.

The problem should be decided according to the wishes of the inhabitants of the two provinces.

These wishes might be ascertained by several methods:

1*st, by Plebiscite.*—This would involve certain considerations. For example, there is the question of the emigrants and of the immigrants, and as to how far either or both

should be allowed to vote. It might be advisable to impose a period of delay, say, of one or two years, before taking the plebiscite, and during that period to allow anyone who could prove himself or herself to be a *bona fide* native of Alsace-Lorraine to return and qualify as an elector.

2nd, by an International Boundary Commission.—This Commission should be Neutral in composition and Judicial in character, and should travel from point to point, taking evidence as to the wishes and temper of each particular district.

3rd, by a Local Convention or Provincial Council.—A Convention might be set up elected by the various towns and districts. It might also contain a certain number of persons representing the Churches, Education, Literature, or in other ways distinguished in the life of the two provinces. It would arrive at its conclusions by methods of discussion and conciliation. Its conclusions might afterwards be put before the electorate for acceptance or rejection. In case of rejection the Convention should resume its deliberations and continue them until it arrived at a solution, satisfactory both to the Convention and to the electorate.

Four Possible Results.

One of four possible results might be reached:

The *first* is that the two provinces would remain a part of the German Empire, either in the same position politically as they were in before the war, or with increased autonomy and raised to the status of Baden or Wurtemburg.

The *second* is that they would be annexed to France either within a tariff especially directed against Germany (a solution which would almost certainly lead to another war), or with such fiscal arrangement as would enable German industries to have access to the iron ore of Lorraine and other natural products of the two provinces.

The *third* is the solution by partition. This is, perhaps, the plan most likely to be adopted. By this plan such rectifications of the present frontier would be made as would enable districts predominantly French to be annexed to France, and districts predominantly German to remain in Germany. In this connection it is useful to note that, as pointed out by Mr. Brailsford, Alsace-Lorraine can be divided into three distinct and well-marked areas: 1st, Metz and Western Lorraine, which is French by race and Catholic by religion; 2nd, North-Eastern Lorraine with Northern Alsace, which is German by race and mainly Protestant by religion; 3rd, Southern Alsace, which

is German by race, Catholic by religion, and French by tradition.

The *fourth*, from an international point of view, is perhaps the ideal result. This is the plan to form Alsace-Lorraine into an independent State, with its status upheld by the Society of Nations. Before the present war there were a good many thoughtful people in Alsace-Lorraine who took the view that if, as the result of a war, the two provinces were re-annexed to France, this would merely sow the seeds of a further conflict, and so on *ad infinitum*. Not wishing their land to become a perpetual battle-field between two contending armies, a bone for ever gnawed and bitten at by two snarling dogs, they thought that a better solution would be to make Alsace-Lorraine a self-governing, neutral State. " Alsace for the Alsatians " was once a popular cry ; it may become so again. The advantages of this particular solution are obvious. As a neutral territory, Alsace-Lorraine would form a link in a complete chain of neutral states stretching between France and Germany—Belgium, Luxemburg, Lorraine, Alsace, Switzerland—and forming, not a fortress dividing the two nations, but a bridge across which the two peoples might meet and mix.

A neutral Alsace-Lorraine might hold a unique position in the world of the future. Formed as the result of the most costly war the world has ever seen, it would stand as a permanent rebuke to human folly, a high memorial to the dead, and a shining symbol of international peace.

(*b*) ECONOMIC

If the question came up of the transference of the whole or any part of Alsace-Lorraine to France, any of the general provisions which had been agreed to at the Conference, applicable to the particular case, would, of course, have to apply to the provinces.* The French, and presumably the Belgian, ports would be open to them, so that there would be no necessity to secure an access to the sea ; but any of the other three adopted would apply. In the case of the two points applicable only in cases of transfers, it would be necessary to ascertain the proportion of the total tax-paying capacity of the present German Empire in the provinces.

Guarantees would have to be given against any attempt to

* Should Alsace-Lorraine be declared an independent State, free access to German and French sea-ports should be secured for its commerce. In other respects, the provisions demanded in the event of its transfer to France should be applied to the new State.

restrict exports of the potash and iron ores of the provinces, which the Germans should continue to buy freely without any new tolls or duties being imposed on them without the consent of the International Authority; and any Customs tariff it might be proposed to establish at the new frontier should be submitted to the same authority, Germany having the right to state a case against any particular impost, or against the tariff as a whole. It is obvious that after nearly half a century of free trade between the provinces and the Empire many business connections must have been formed, which it would be very unjust and dangerous from the point of view of international peace to break up. The best way, probably, to meet the case would be to insist upon (1) the abolition of all tariffs in the provinces; (2) the imposition of a low *ad valorem* revenue tariff, falling equally on all imports except necessary foodstuffs, without preference to France herself; or (3) countervailing excise duties equivalent to any Customs duties, imposed in the same manner as we impose similar duties on home-made beers and spirits as on those imported from abroad. This is the most effective means of preventing any attempt to injure foreign for the " protection " of home trade.

(*c*) CULTURAL

It may be said without exaggeration that no tract of territory in Europe has had a more varied and changeful history than that which comprises the modern provinces of Alsace and Lorraine. Wedged as they are along the western bank of the Rhine, right in the centre of the continent of Europe, invasion and conquest, division and dismemberment, long drawn out wars alternating with periods of patched-up peace, now under one sovereignty, now under another; such has been their tangled fate. The population has been racially mixed time and again, both previously to and since the time when, in 406, hosts of barbarians of different tribes crossed the Rhine and encountered Franks and Romans. Finally, the Frankish dominion of Clovis (481) was extended over Alsace and Lorraine, and they formed part later on of Charlemagne's empire. After the very involved period following on Charlemagne's time, German influences prevailed. Then, after 800 years of German supremacy, a large part of Alsace was ceded to France in 1648; but as for Lorraine, it was not finally united to France till 1766, and German, or more properly speaking, a German patois, is still spoken by most of the

inhabitants of the two provinces to this day. Even in Alsace, German customs lingered side by side with French ways.*

On the other hand, France may claim that under her rule this territory, which had been repeatedly divided up, became a united country, a prosperous whole; and that, through the French Revolution, the feeling for democracy, liberty and equality was established far more generally and fundamentally than was ever the case in the neighbouring German States. Also, these provinces took their full share in the Napoleonic wars and conquests, furnishing a number of the great generals of his time. Altogether their fortunes were one with those of France, not only in those great days but, subsequently, up to the German invasion of 1870-1, when the conquerors annexed them. The fact that the cultured life of Alsace, and in slightly less degree of Lorraine, was French in character (however German the racial tendencies of the two provinces may have remained), found expression in the irreconcilable attitude adopted by the many families belonging to all classes who preferred banishment and all the sacrifices it entailed rather than submission to German rule. For in 1872 the choice was given to all the inhabitants of Alsace-Lorraine to become German subjects or else to emigrate into France. Many thousands chose banishment from their homes rather than life under German rule. Of the Alsatian families who did not emigrate, many refused all social intercourse with the local German officials. Everywhere the French set and the German set lived their lives apart from one another.† The fact of the expulsion of these *emigrés* and of their being scattered throughout France has helped to keep alive hatred and indignation against Germany, has emphasized racial differences and per-

* George Lewes sums this up in his life of Goethe in an interesting way: "Goethe found himself in the presence of two sharply defined nationalities. Alsatia, and especially Strasburg, although belonging to France, still preserved its old German character. Eight hundred years of national life were not to be set aside at once, when it pleased the Powers, at the Peace of Westphalia, to say that Alsatia should be French. Until the middle of the eighteenth century the old German speech, costume and manners were so dominant that a Frankforter, or a Mainzer, found himself at once at home there. But just before the outbreak of the French Revolution the gradual influx of officials brought about a sort of fashion in French costume. Milliners, friseurs, and dancing-masters had done their best, or their worst, to 'polish society.' But the surface was rough, and did not take kindly to this polishing. Side by side with the French 'employé' there was the old German professor, who obstinately declined to acquire more of the foreigners' language than sufficed for daily needs and household matters; for the rest, he kept sturdily Teutonic."

† See, for French version of the situation, novel by Benjamin Vallotin, *On changerait plutôt le cœur de place . . .*"

petuated a demand for restitution. In spite of all this a deadening of these antagonisms came about gradually, with the growth of industrial prosperity, through the mutual benefits of commercial intercourse and common cultural interests, and more intimately as a consequence of mixed marriages.* Unfortunately the separatist nationalistic tendencies which sprang up strangely a decade ago, nourished by the increasing stringency of commercial competition, and the growing rivalry in armaments have fanned all the old feuds into flame again, till the difficulties of arriving at any lasting settlement seem insuperable. Embittered frontier incidents marked the revival of bad feelings, the reactionary Press on both sides did much to stir up forgotten strife. Literature, in the shape of novels and poetry, to say nothing of journalism, played round the tragedies of the Alsatian *emigrés* on the French side,† and gave exaggerated expression to Pan-German nationalistic adventures on the other, till, finally, the tension from all these combined sources became so terrible that war was hailed as a relief.

Speaking a year before war actually broke out, at the Peace Congress at The Hague (August 18th-23rd, 1913), Professor Ruyssen, of Bordeaux, pronounced the following judgment on the crucial question of Alsace-Lorraine, and it may well be cited here. Addressing the Congress, he said :‡

> " You strangers, whose neutrality makes you impartial concerning this question, you can say to Germans . . . You have not quite done your duty concerning this district, something remains to be accomplished. A great iniquity rests there, for which you alone are responsible, the reparation of which belongs to you entirely. A country of advanced culture lies there to the west of your empire which had been accustomed during a century to share in a regime of political equality, and which now, after forty years of loyalty, deserves to receive those liberties which it claims from you . . .
>
> " To France you can say that should she persist in pursuing a bloody, an unhealthy dream of revenge, she would not only be preparing atrocious days for Europe, but neither would she be really serving the cause of the inhabitants of Alsace-Lorraine. For it is in the interest of the people of

* See Marcel Sembat, *Faites un Roi sinon Faites la Paix*, p. 160, etc. Translation : " Yes, to-day, just as twenty-five years ago, there comes a cry from Alsace-Lorraine. But, instead of calling us to come and help her, and calling for the day of vengeance, this cry rises now each time there is a threatening of war, to deplore this."

† See writings of Barrès, Bertrand, René Bazin, etc.

‡ *Bulletin Officiel du XXième Congrès Universel*, p. 163.

Alsace-Lorraine that we ought to seek out quite different means ; and it is in the pacification, in the bringing together of the two countries, that a true and durable solution may be found."

This judgment is interesting, but as the solution indicated has not been adopted, and we have had the " atrocious days," pacification on any previously tried basis seems now difficult of attainment, for the intensification of embitterment through the war, the deadliness of the present enmity between the two countries, makes either the restoration of Alsace-Lorraine to France, or its retention by Germany, equally fatal to the prospect of future peace in Europe. Either decision would equally imperil the security and welfare of the territories concerned.

No religious difficulties have been discussed, for none exist. Under German rule, in the sixteenth century, Protestantism flourished in Lorraine, but it declined after French rule was established. There are Protestants in both provinces to-day, although Catholicism prevails generally. To the forms taken by the religion of the land both France and Germany have contributed, so there are no deep-seated differences of belief which draw more to the one than to the other. In the most fundamental, the spiritual, as well as the intellectual moulding and shaping of Alsace-Lorraine, France and Germany, have equally shared.

There remain two possible methods of settlement which might secure the free, happy development of the people. These are partition or guaranteed independence. If partition is adopted, the more especially French districts might be ceded to France, whilst the German parts were left under the German Confederation, with local autonomy and full cultural freedom secured to them. Otherwise, the two provinces might be formed into an autonomous State, France and Germany mutually guaranteeing its integrity.* For both these countries have contributed to the formation of the life of Alsace-Lorraine. Why should they not be the parents of a younger, smaller State, situated between them, dependent on their mutual goodwill. In this way Alsace-Lorraine might cease to be a cause of hatred and misunderstanding and become a link to join up and explain the life of the one claimant to the other.

* See, again, Marcel Sembat, *Faites un Roi sinon Faites la Paix*, " concerning the demand made before the war for autonomy, ' Alsace-Lorraine for the Alsatians and Lorrainers ' " (p. 163, etc.).

Joint Commission on the Problems of the International Settlement. Secretary, C. Heath, 72, Avenue Chambers, Vernon Place, Southampton Row, W.C. 1. Printed by the Garden City Press Ltd., Letchworth, Herts.