The Legality of the Ruhr Occupation

"THE highest legal authorities of Great Britain have advised His Majesty's Government that the Franco-Belgian action in occupying the Ruhr is not a sanction authorized by the Treaty." These words from the new British note modify so profoundly the juridical and diplomatic situation that I would like to discuss them by themselves in their reference to the future and the past apart from the many other issues raised by the note in its entirety.

The effect of this opinion is to declare that the Franco-Belgian invasion is by international law what it appears to be by common sense—an act of war—and that Poincaré's elaborate pretenses of legality are without foundation. If France disputes, as no doubt she does, this interpretation of the Treaty, she has bound herself by Article XIII of the Covenant of the League to submit the dispute to arbitration. Moreover, she is doubly bound to accept the arbitration because the same annex to the Reparation section of the Treaty upon which she bases her case provides that the Reparation Commission itself can only interpret the Treaty by unanimous vote, so that as soon as one member dissents, the Commission is for this purpose functus officio, and the general provisions of the Covenant come into force. Lord Curzon invites Poincaré to accept arbitration, but he has not yet pointed out that Poincaré is bound to accept the invitation.

If France repudiates her obligation under the Covenant, it is still competent under Article XIV for either the Council or the Assembly of the League to refer the question to the Permanent Court of International Justice for advisory opinion.

In the event of the Arbitral Court's supporting the opinion of the law officers of the British Crown, the occupation becomes an act of war. But the process of law does not stop, as formerly it did, there. At this point Article XVII of the Covenant, which provides for the case of dispute between a member of the League and a non-member, comes into operation. By this article, the State which is not a member of the League "shall be invited to accept the obligations of membership in the League for purpose of such dispute upon such conditions as the Council may deem just." If this invitation is accepted, all the provisions of the Covenant which delay recourse to acts of war come into force, particularly the article by which members of the League "agree in no case to resort to war until three months after the award by the arbitrators, or the report by arbitrators, or report by council."

Lord Curzon's note makes no reference to Articles XVII and XII of the Covenant for the obvious reasons that they are equally effective against action threatened on former occasions by the British government itself under Lloyd George. But once we have set out on the pathway of legality there is no turning back. The extraordinary significance of the thirty-second paragraph of the British declaration of August 11, 1923, lies here. The British government has committed itself to the view that the occupation of the Ruhr is a lawless act of war. It is impossible after this that we should not proceed to invoke the full force of the Covenant of the League. For the first time the Covenant is clothed with power and majesty and steps out of the clouds to the dusty floor of Europe.

It is the moment when all of us must withdraw our former criticisms and stand with the full strength of union behind Mr. Baldwin and Lord Curzon in their difficult and dangerous task. Nevertheless it is not possible to overlook entirely the reflection which the new decision throws backward on past events. More than two years ago the present writer published at full length all the legal points mentioned above and expressed the opinion now endorsed by the law officers and on the same ground. At that time Lloyd George chose to ignore such considerations. Between March 1920 and May 1921 the invasion of Germany beyond the Rhine was threatened five times and carried out twice. In three of the five threats and in one of the two occupations the British government participated. Lord Curzon attempted to argue that even so the British government cannot be convicted of inconsistency, because the threats and the occupation in which they participated were not claimed to be in pursuance of special rights under the Treaty of Versailles, but were in the nature of a renewal of war. He forgets that in the ultimatum delivered by word of mouth to Dr. Simons on March 3, 1921, by Lloyd George speaking on behalf of the Allied governments, the occupation of the three towns on the right bank of the Rhine was threatened as a course justified "under the Treaty of Versailles" by the fact that Germany was deliberately in default. He forgets also that if Lloyd George was not acting in pursuance of special rights under the Treaty, he was precluded by the Covenant from the renewal of war "except after due process and delay under the auspices of the League."

We now have, therefore, the highest legal authority for the views always entertained by many laymen that on three occasions Lloyd

George violated international right. It is better that we should acknowledge this than remain consistent in wrong courses. In time, I expect, we will attempt to redress the other great violation of right committed by Lloyd George in claiming reparation for pensions on legal quibblings even more flimsy and worthless than those put forward in the present case. The note of August 11th at least makes a beginning in that vindication of the law, without which disarmament and peace can never be established.

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(By cable.)

What Is a Farmer?

WHAT is a farmer? When Congress instructs the President to put a farmer on the Federal Reserve Board, when salaries of officers of farm organizations go higher than those of Cabinet members, when political jobs of all grades beckon to men who can appeal successfully for the votes of their brother farmers, the question—to many ambitious men—becomes a practical one.

When a legislative representative of an organization like the Farmers' Union or the Farm Bureau or the Grange goes to Congress and says: "The farmers want so and so," it is the custom for some Congressman to ask somewhat pointedly: "How many farmers do you actually represent?" A more significant question, as yet unasked, would be: "What kind of farmers do you represent?"

Unfortunately no ready answer is possible. Getting into a farm organization is a very easy job. Any man who once lived on a farm and now owns farm property has a good claim. Even a man who never actually farmed in his life, but who owns farm land and shows a little interest in farm affairs, is often classed as a farmer so far as farm organizations are concerned.

Actually farmers split up into several distinct classes by virtue of their economic position. The man who lives in town and operates half a dozen farms, the man who owns a big farm clear and whose income comes largely from the interest upon his investment rather than from his labor, the farm tenant, the farm laborer, all have interests that differ and differ very widely. Yet they are all classed as farmers and urged to join the same organizations. So many different classes of farmers grouped together in one association is a reason for the gift of the average farm organization for compromise and ineffectual action.

The classes named above group into two main divisions—working farmers and owning farmers. A working farmer looks to the wages he gets for his labor and his management for the bulk of his income. The owning farmer relies for his income upon the interest on his investment, and is mainly concerned in finding ways of increasing that income by increase in land values, increase in rentals, and so on.

Working farmers, under this division, are in the majority all over the country, but it is the owning farmers who seem to provide the officers of farm organizations, and control the policies these organizations adopt. This is particularly true in the corn belt. The officers of leading farm organizations include professional politicians who happen to own land, retired professional men who run farms as a hobby, men who got their start on the farm, but who have spent their later and more profitable years in handling real estate or selling insurance, retired farmers with a big income from rent of land. Many are excellent men, but they all have the point of view of the owning farmer. They are concerned in getting a fair return on farm investments, and not especially worried about increasing the labor income of the average farmer.

Only at the extreme left of the farm organization movement do we find any attempt to treat economic and political problems from the working farmer's point of view. The groups associated with the Farmers' National Council take this attitude. Benjamin Marsh, the secretary, has gone so far as to recommend the passage of the Keller bill for a modified type of single tax. This offers an interesting contrast to the attitude of the Farm Bureau, which still boasts of its defeat of the Nolan bill, a single tax measure drawn up along the same lines.

In all the other organizations the owning farmer seems to dominate. The Farm Bureau is absolutely controlled by this type of mind. The Grange in most states comes in the same class, although there are liberal-minded state Granges that have broken away from the national organization. The Farmers' Union has a more liberal tinge. Several state organizations have joined the Farmers' National Council and most of the others are somewhat less under control of the land owner than the other organizations.

In the requirements for membership in these organizations there is little difference. In a good many states, any man who owns land can be a member of the Farm Bureau. As a result a good many bankers have been enrolled. In addition to bona fide agriculturalists, the Farmers' Union admits some professional men, though excluding bankers,