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Reel
148

Box
52

Folder
160

Shall the United States join a World Court?, 1923.

LECTURE BY RABBI ABBA H. SILVER,
"SHALL THE UNITED STATES JOIN A WORLD COURT?"
AT THE TEMPLE- SUNDAY MORNING,
APRIL 29, 1923, CLEVELAND, O.

WRHS



JOSEPH T. KRAUS
Shorthand
Reporter
CLEVELAND

As vigorously as I opposed the entrance of the United States into the League of Nations, just so vigorously would I now urge the adhesion of the United States to the permanent court of international justice. I would urge that the United States lend its full weight of prestige and influence towards making this court now constituted vital and effective. I would furthermore urge that the American people enthusiastically endorse the commendable efforts of President Harding and Secretary of State Hughes for adhesion of the United States to this permanent court; for I believe that in so doing we are in keeping with the tradition of American policy; we are in consonance with the ideals for which we fought during the war, and we are committing an act of international wisdom and high morality.

You will recall the reasons for my opposition to the League of Nations. You will recall that I did not oppose the ideal of a league. I assume that there are few people in this land or elsewhere who are opposed to the ideal of a league of free nations, banded together for international peace and understanding. I believe that no higher conception has ever been projected in the world of international relationships than that of a league of nations. (And I furthermore believe that the world will long honor and cherish the memory of that great American who gave of his life blood that this ideal may receive concrete expression in the

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p. 3

world--Woodrow Wilson. And it is not to the discredit of this great American that a cynical and faithless world destroyed his dream.)

I sometimes think of that Indian legend whenever I think of Woodrow Wilson, a broken-hearted old man, who suffered for the sake of mankind. There is a legend told of an Indian tribe that lived not far from the Western sea, and between the tribe and the sea there was a high mountain, and the young men of the village all aspired to ascend the mountain top in order to see the great sweep of the ocean beyond. Between the village and the mountain there was a great barren desert, and one day the young men of the village appeared before the chief and said, "Chief, we are setting forth to climb the mountain," and the chief said unto them: "Young men, go as far as you can, go as far as your strength will allow you. When you have gone to the point where you can go no further, pluck a little token--a twig, a branch, or a stone, and bring it back to me."

And so the men set out, and towards noon day one man returned, worn, weary, and in his hand was a cactus leaf, and the chief received it and said, "Son, I see that you have but crossed the desert, and could go no further." Later on the other young men returned one by one, and one brought back with him a twig of sage brush, which indicated that he had reached the foot of the mountain; another brought back a maple leaf, which indicated that he had ascended part way up this steep and rugged mountain; and yet a third brought back

with him a bit of hemlock, which was proof that he ascended still higher on his way to the top; and a fourth brought back with him a branch of a stump pine, and the chief rejoiced and said, "Son, you have passed the timber line." And towards sundown the last young man returned, and the chief asked of him, "Son, what have you brought back?" And the young man showed his empty, open hand, and said, "I have brought back nothing. And the chief frowned. And the young man said, "Where I was there was nothing; but I saw the sea!"

by. I believe that Wilson saw the sea, caught the vision, and while he brought back nothing tangible or concrete, he brought back with him the vision and the dream which must abide. It was not his dream that we opposed, nor his league; it was the league which was saddled with the iniquitous Treaty of Versailles that we opposed; it was the league of Clemenceau, that hardened cynic and political realist; it was the league of that astute politician and time-server, Lloyd George, that we opposed; it was the league of that chauvinist, Orlando, that we opposed. stop

It was not the league of nations or of peoples, but the league of victors, the league which was burdened with the responsibility of enforcing a treaty of victors, which meant perpetuating the defeat of the vanquished, the holding in perpetual serfdom those peoples which have not as yet gained full freedom and self-determination; it was this concrete expression of the league which spelled for us, at least, entanglements of the most nefarious kinds, enmeshed and

entangled into all the European chicanery and diplomacy, the scheming, thieving diplomacy of Europe. It was this league that we opposed.

✓ But at no time did we suggest that the United States take no part in efforts looking towards international peace; at no time did we counsel the so-called proud isolation. Over and over again we stressed this thought, as you will recall, a thought which must yet be stressed: that isolation, however much desirable it may be, does in reality not exist. There is no physical isolation, and there is no financial isolation, and there is no economic isolation, and there is no political isolation, and surely there is no moral isolation. *shy*

An act which may tomorrow be committed in a dirty Arab village in Mosul, or in a mud village in Egypt, or on the burning plains of India, or in the heart of the Volga, or in the Ruhr section,--an act committed there, without your knowledge, without your consent, may destroy your home and bring death into your family. The world today is so intertwined and interlaced, international relationships are so confused and entangled, that no one people can say unto itself, "Behold, I am free from any entanglements or any alliances."

Boq → Two years ago, in speaking of the Legacy and the Opportunity of Harding, I said: "And if we decide not to enter the League--and it is very likely that we shall decide not to enter the League as it is now constituted--we must,

nevertheless, work for peace along other lines. First of all, a court of arbitration which shall adjudicate cases that may be adjudicated must be established, and power must be given unto it. We must work for a codification of international law, and we must work incessantly and vigorously for disarmament." *stop. [scribble] and*

Now, it is my belief that Mr. Harding has endeavored earnestly and honestly to work for these two ideals; gradual disarmament, and now the establishment of an international court of Justice. You will recall the peace conference, or the conference, rather, for disarmament, which met in Washington. Although that conference resulted in very little, still it was evidence of the earnest intent and purpose of the American people to work for peace, to work for limitations of armies and navies, to work for international understanding, and on February last President Harding sent a message to the Senate urging the Senate to act favorably upon the recommendation that the United States join officially the permanent court of international justice.

I said that it is in keeping with our traditional policy. Those of you who are acquainted with the Hague tribunal, with its history, will recall what a permanent and leading role the United States took in the work of the Hague tribunal. You will recall that Mr. Root, while still secretary of state, in 1907, urged the American delegation to insist that the Hague tribunal should be reorganized so that it may become a more effective court, that it may have

more power in international disputes; and the Republican platform of 1916 declared itself in favor of such a court. "We believe," read the platform, "in pacific settlement of international disputes, and favor the organization of a world court for this purpose."

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Now, what is this court, this permanent court of international justice which we are asked to join? This court is provided for in the covenant of the League of Nations, but it was called into existence by a specific protocol already signed by forty-six states. This court is to be made up of eleven judges and four deputy judges. These judges are to be nominated by the regional groups within the old Hague tribunal, in which tribunal the United States is a member. These judges are to be nominated by these groups, but are to be elected by the council and the assembly of the League of Nations. (Among those who now constitute this court are some of the most eminent legal minds of the world; and our own great jurist, John Bassett Moore, the author of the Digest of International Law, is a member of that court, though not a representative of the American government.)

✓ This court has no compulsory or obligatory jurisdiction. This court cannot summon any nation to appear before it in a dispute. Only when the two nations involved in the particular dispute agree voluntarily to submit their issue to the court has the court jurisdiction. No one single nation can bring an issue or a claim to the court, and the

court has no machinery to enforce its decisions.

In other words, there is no possibility of entanglements here should the United States decide to join this court. It is not at any time compelled to submit any issue which involves what is known as national honor. Any issue which we do not regard as justiciable, the United States will never be compelled to submit such issue to the court. It is a purely voluntary arrangement among nations.

And the United States, in joining this league, will take no revolutionary step, because it is already a competent suitor in this court. This court is not limited to members of the League of Nations. Any nation may apply to it in cases of difficulty.

What will be involved in officially joining the court will be this: that we will bear an expense of this court, and that we will lend our prestige, our name, our influence, our moral force, to this institution.

Now, it is very likely that we will join this court, and it will be a forward step if we do. But two things ought to be borne clearly in mind. First of all, that this court will not abolish war; and, secondly, that it has its strict limitations. Remember, that the court has no compulsory jurisdiction; remember, that it has no machinery to enforce it; remember, that no nation can be compelled to appear before it, as an individual can be compelled to appear before a police court in the city of Cleveland, and you will realize how inadequate, how elementary, the machinery is for

real effective work. But in spite of it all, it is desirable.

If public opinion is focused and sensitized to it, it may gain such moral force and prestige in the days to come that it will compel, not through law, but through the force of public opinion, nations to submit their difficulties to this court. It may develop a code of international law, because it is more of a court than the Hague tribunal was; this permanent court of international justice will partake more of the character of a court; the judges will be elected and they will hold term for a definite period of years, and they will meet at stated intervals; they will be enabled to evolve during the course of the years a code of international law, of international practice, of international sentiment, which may lessen the occasions for war.

But this court cannot reach the causes, the real, basic, fundamental causes of war, and that is the thought that I want to stress this morning. No group of judges can decide the political and economic policies of nations, which policies are the fruitful and constant causes of international strife. These conflicting policies of peoples can only be adjusted by agreement, by compromise, or by war. It is only as you have a driving and compelling enlightened public opinion that you will ever have nations settle and adjust their political and economic claims through agreement and through compromise rather than through war.

In other words, the problem shifts itself back at once to the problem of education. There is no quick lunch

method to salvation, and there is no structure and no institution, and no machinery, and no league so perfect, so excellent, that it can at once bring about peace and end the bloody century of strife. Man has been a warring animal since the days of his jungle experience, and those instincts of rapacity, of lust, of gluttony, of getting and holding, cannot be eradicated in a brief spell of time by a court or by a league or by some other machinery.

We must apply ourselves, those of us who have the patient wisdom to envisage this problem in its broad outlines and vast contours,--we must apply ourselves deliberately and constructively and humbly to the problem of education, of education in internationalism, of education within every people and within every race--of spiritual education, of developing a sensitized and enlightened public opinion, which will compel a people first to formulate moral political and economic programs, and then to find amicable and peaceful adjustment with the political and moral programs of other peoples.

We are suffering today, men and women, of the nationalistic blight of the nineteenth century. The nineteenth century saw the swift, the sudden development of nationalistic sentiments and ambitions and passions in the world. With the collapse of feudalism, with the end of the imperial idea of the Middle Ages, when the sense of nationality was non-existent, even if it was dormant, when the old civilization came to an end with the French Revolution, the

spirit of nationalism began to grow and develop and spread through the world, and every people, great or small, began to clamor for national individualization, for the expression of cultural personality, of self-determination of every people; and that has gone to the point of most dangerous chauvinism; that has gone to the point where the will of a nation became absolute, ultimate and final, when a nation need not pay deference to the moral law, because it was a law and a standard and a guide and a judgment unto itself.

And this international immorality of the nineteenth century, sanctioned by religion, and sanctioned by our so-called patriotism, sanctioned by all the loves which we have for our own land and our own territory and our own institution,--this international immorality brought upon the world in 1914 the greatest disaster of humanity.

Now, there is but one thing to do if European civilization is to escape complete catastrophe, and that is not to establish merely a court of judgment or a league of nations, but to proceed deliberately and intelligently to internationalize the conscience and the mind of the world from children in the kindergarten to men in the universities. A new type of education must be brought to the world.

I read where the National Education Association, assembled here in Cleveland not so long ago, voted to hold an international congress of education. No more promising event has taken place in the history of the world in a hundred years than this event, if it is effected, of

convoking the best minds, the greatest educators, the most earnest and honest souls in the world, to an international conclave, where the problem of education as it affects the whole world may be discussed, where a program may perhaps be evolved for the teaching of humanity--not "Brittania rules the waves" or "Deutschland uber alles" or "My country, right or wrong," -- but humanity above all; where perhaps a code of international morality may be subscribed to, may be agreed upon for inclusion in the curriculum of every school, public high school or university in the land; so that a child from infancy will be trained to think not in terms of provincialism, of locality, not in terms of narrow chauvinism, but in terms of human interdependence and relationship.

Perhaps the day may come when we shall teach in our schools not alone the viciousness of economic imperialism, which is basically the cause of every war, and which no court can reach, but also the fallacy, the economic fallacy of war, the economic fallacy of endeavoring to grow rich through crushing your rival and your neighbor--a French prosperity at the cost of German depression. It is one of those follies and those fallacies which obsesses the mind of humanity, and which only a systematic course of training through generations will destroy.

I think that is our problem. A permanent court of justice by all means; conferences for disarmament, for limitation of armaments, for economic difficulties, by all means. When people confer, at least for the time being they are not

fighting. And that is desirable. But let us never lose sight of the big problem and the one way of meeting that problem. The twentieth century, to my mind, has but one task before it, before which every other task dwindles into insignificance. The eighteenth century gave us political freedom; it gave us the French Revolution; it gave us the end of feudalism; it gave us the beginnings of political liberty.

And the nineteenth century gave us science; the nineteenth century gave us steam and electricity and the wireless and the radio. The twentieth century must give us peace, real peace--peace without armies, and peace without navies, and peace without poison gas, and peace without airplanes, and peace without submarines--real, healing, lasting peace, or our entire vaunted civilization will crumble as Rome crumbled, and Greece crumbled, and Babylon crumbled.

The twentieth century will give us peace if we begin to teach them to love and to seek peace and to pursue it. The hope of the world lies in the hands of school teachers. That might sound a very naive statement, but to my mind it is an overpowering conviction. The hope of the world lies in the hands of teachers, of professors, of ministers, of publicists, of men who are in charge of molding public opinion--through school and pulpit and press and book. These men must take up that task at which these wise, competent, practical business men of the world, financiers and economists and diplomatists and wise statesmen and politicians failed.

Perhaps these humble men who are shoved aside and disregarded when there is a vital problem or policy to be adopted, perhaps these quiet, patient souls will some day be called into consultation; perhaps their technique will be tried out some day, perhaps their healing balm will be used for the wounds of a tortured and tried world.

There will arise real leagues of nations and real arbitration courts, there will arise every needed machinery for the adjudication of difficulties between peoples, provided there is back of it a driving, compelling, insisting public opinion, fashioned in school, in church, in the home, demanding peace at all costs and peace at any price--peace first and foremost.

And that, to my mind, is the opportunity of America. I am not a chauvinist, and I do not exalt my people over others, but somehow I believe, as I have always believed, that the moral leadership of the world ought to be with us. We are not enmeshed in ancient prejudices and antipathies, as France is, as Germany is, as England is, as every European nation is. We have not the pall of centuries over us; we have not the ghosts of ancient grudges. We are a new people and we are a representative people in having all peoples with us. We are the microcosm, the minature world, and we ought to be the workshop of the Almighty God for a new type, for a new type of internationalism.

I do not mean internationalism at the expense of nationalism; I do not mean the wiping away of the lines which

naturally distinguish one people from another. Internationalism implies vigorous nationalism. But I mean nationalism through internationalism; I mean the economic condition and the development of every nation through cooperation with every other nation, just as I believe in personal individualism, in self-expression and self-realization through contacts, through service, through relationships with other people.

And I believe that America has been favored by God to assume this moral leadership of the world in the work of educating the minds of men, to seek peace and to pursue peace, to reach out their hands for those across the boundary lines, of the lands beyond the seas--to seek the common human needs of all peoples, the things which are of vital concern to all of us, and to work for those things in a spirit of good will and sincerity.

Will America assume that leadership? That depends upon you and me--upon our public opinion.

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