

sovereign authority in the archipelago, is obligated to give effect by appropriate municipal enactment to such international recognition of private rights.

The treaty contains provisions to enable non-signatory Powers to give adherence thereto, and provisions for the protection of the interests of Russian nationals until the recognition by the contracting parties of a Russian Government permits Russia to adhere to the treaty.

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SELF-DETERMINATION IN CENTRAL EUROPE

The "right of self-determination" has never been clearly defined, nor have rules been formulated for the practical application of this fundamental principle of international law and order.

It is true that there was a qualification of this right in President Wilson's statement "that all well-defined national aspirations shall be accorded the utmost satisfaction that can be accorded them without introducing new or perpetuating old elements of discord and antagonism that would be likely in time to break the peace of Europe and consequently of the world." Unfortunately, there is room for controversy as to what constitutes "*well-defined* national aspirations," and as to just what "elements" may create or perpetuate "discord and antagonism." Each claimant for recognition naturally believes his aspirations are well defined, and resents the idea that anybody else should exercise for him his own right of self-determination. Among these "nations crowding to be born" are Egypt, Arabia, Syria, Armenia, Azerbaijan, Kurdistan, Ukraina, Latvia and Esthonia.

As a matter of fact, infelicitous experimentations in self-determination by the Peace Conference have revealed some of the serious limitations to this principle. First of all, it is plain, as set forth in the Covenant of the League of Nations, that there are backward peoples in so primitive a stage of development as to render them as incapable of national existence as a child is incapable of legal or moral responsibility. The status of such peoples—whether they shall be governed absolutely or be conceded some degree of self-government—cannot be determined by themselves.

Secondly, there is a logical limitation on the right of a minority

to assert selfishly a right of self-determination in opposition to larger and possibly more vital interests. The Civil War was fought to deny the right of self-determination on the part of the Confederacy as against the necessity of preserving the Union for the welfare of all. The nationalistic claims of a small municipality like Fiume cannot possibly be permitted to stand in the way of the immensely more important interests of the great *hinterland* that is directly dependent on this port.

Thirdly, in the case of conflicting interests, the economic interest in particular, it is most difficult either to determine all the factors involved, or to present them so clearly and simply as to permit the peoples immediately concerned to vote intelligently on the momentous issues which may be at stake. There are states which have grown up out of so-called historic wrongs, and have acquired so definite a national unity as to render dismemberment quite unreasonable. States are not mere agglomerations of peoples and appurtenant territories; they are living, political organisms, possessing alimentary and circulatory systems, with nerves and essential vital organs.

Fourthly, if a plebiscite is to be had, it is not at all easy to find a proper territorial basis without danger of a political gerrymander that may work grave injustice. If a race is in a minority, how shall it be permitted to vote? As a separate unit? Or in districts where it begins to assert a bare majority? Or in districts where it enjoys a marked predominance? Shall such a vote be determinative, or merely a courteous consultation? Answers to these questions are most difficult. One becomes aware of the fact that in some instances it is quite impossible to disentangle races, and realizes that the proposal of theorists to redraw political frontiers in accordance with a color scheme based on the alleged ethnic distribution of peoples is as dangerous as it is fantastic.

Fifthly, in any attempt to satisfy "the well-defined national aspirations" of a given people—say of the Roumanians in Transylvania—it is obvious that a considerable racial minority must always be left united with another race. The question then becomes an embarrassing one: whether it is more just to leave Hungarians and Saxons under Roumanian rule, or Roumanians under the domination of Magyars and Saxons. The answer, naturally, cannot be left with safety solely to the peoples concerned, especially when they are artificially stimulated to a consciousness of grievances and race an-

tagonisms. There must be a consultation of neighbors and disinterested friends to act as a *compositeur aimable*.

In view of these limitations on the right of self-determination, it is clear that where independence is not feasible, the best that can be conceded is a large measure of local autonomy, together with adequate guarantees for freedom of communication with neighboring peoples with whom may exist cultural or economic affiliations. In fact, it is becoming increasingly evident that national independence itself is a poor thing unless coupled with guarantees of freedom of intercourse. Access must be had to raw products, special markets, and to convenient outlets such, for example, as Danzig for the Poles, Hamburg for the Czechs, and Fiume for both the Jugo-Slavs and the Hungarians. In our preoccupation concerning nationalistic claims, we have unfortunately ignored the economic foundations of a durable peace.

The tasks of the Peace Conference was admittedly Titanic. With the sincere intention of meting out that "impartial justice" that involves "no discrimination between those to whom we wish to be just and those to whom we do not wish to be just," it was impossible to satisfy the high hopes of those idealists who have believed that the time had arrived for the organization of international society on a sound and permanent basis. And it is naturally hard for such persons to recognize even the possibility that the Peace Conference could fail to achieve a "peace of healing," a "peace of justice."

In the case of Austria-Hungary, not only is it evident that the Peace Conference failed to define the right of self-determination, or to provide rules for its practical application, but, worse still, it is evident that there was no united purpose to mete out "a justice that knows no standard but the equal rights of the several peoples concerned." The dominant motives of the Peace Conference would seem to have been: first, to gratify faithful allies; secondly, to show severity to the conquered foe; and, thirdly, to establish a new balance of power.

The main features of the peace settlement in Central Europe are as follows: The Czechs, the loyal and valiant allies of the "Allied and Associated Powers," have been given three million people of German stock who are violently opposed to this union. They have also taken into partnership their Slavic cousins, the Slovaks, along with rich territory essential to Hungary, though it is by no means

established that these cousins have desired complete incorporation with the Czechs. The Russenes—those half-million “Little Russians” on the Hungarian side of the Carpathians—have been allocated to the Czechs, though their economic interests would more naturally cause them to gravitate toward the Magyars. And Czecho-Slovakia has also been given a frontage on the Danube in the Hungarian city of Pressburg, and the Grosser Schutz Insel, inhabited by a vast majority of Magyars. Nor does the young Republic of Czecho-Slovakia begin its career auspiciously with its neighbor Poland, both of whom have a bone of contention in Teschen and upper Silesia.

In the case of the new Austrian Republic, not only have the three million people of German stock already referred to been denied union with their brothers in Austria, but all Austrians have been expressly denied the right to unite with all other Germans, except by the formal permission of the League of Nations! Furthermore, the German Tyrol south of the Brenner Pass—that playground and historic homeland so full of tender sentiment for all Austrians—has been given to Italy. It is true that a small section of West-Hungary inhabited by a few German-speaking peoples has been assigned to Austria, but this may prove a doubtful gain if it should acerbate relations with Hungary. As constituted by the Treaty of St. Germain, Austria is so reduced in population and economic resources, so hopeless of a national future, that she now remains a proud beggar requiring both food and justice. Her situation is nothing short of tragic.

And the situation of Hungary is even more tragic. Its losses to the Czechs, the Roumanians, and the Serbs mean, first of all, that several million Magyars—possibly six millions—and other peoples of German stock, have passed under the yoke of foreign rule; and, secondly, that Hungary is so despoiled of varied resources, including coal, iron, oil, and forests, as to be practically incapable of an independent national existence. Possessing a well-defined historic unity, despite its racial divergencies, and blessed with a splendid economic life, Hungary now finds itself so dismembered and mutilated as to be quite unable to function properly as a living, political organism.

The Viennese have a saying that “The East begins at the River Leitha.” The Peace Conference, however, by its decisions has brought the Balkans to the Rhine. A new Macedonia has been created in Central Europe, with racial antagonisms and grievances that render

peace impossible. Furthermore, by failing to extend a generous hand to the struggling young democracies of both Austria and Hungary, the Peace Conference has encouraged internal political disintegration as well as external. Hungary was driven into the hands of the Bolsheviks and then back to the monarchists, while Austria under Socialist rule has had a desperate time avoiding a similar fate.

A situation has been brought about of an unsound and unreal character which ignores the fundamental fact that no peace is of any avail which is not based on the frank and friendly realization of the mutual interests and needs of the peoples immediately concerned. They alone are competent to settle among themselves complicated questions of neighborhood interest.

This fact was realized by some men of vision at the Peace Conference, notably General Smuts, who urged that before final decisions were reached concerning Central Europe, representatives of all the former portions of the old Austro-Hungarian Empire should be summoned together to determine their mutual interests and needs. Except by the recognition of the Czecho-Slovaks as deserving allies, the Peace Conference ignored the wishes and the vital interests of the peoples of Central Europe.

The attitude of many that the League of Nations must be entrusted with the duty of rectifying the mistakes of the Peace Conference would seem either Quixotic or the counsel of desperation. To establish a definite *status quo* by treaty under solemn guarantees, and at the same time seek to revise such a settlement, would seem utterly incongruous and preposterous. To saddle the League of Nations with any responsibility for the lamentable situation in Central Europe would be a burden beyond its power to bear.

The only hope in such an apparently hopeless condition of affairs lies in the inexorable necessity which must compel the peoples of the old Austro-Hungarian Empire sooner or later to disregard all artificial and arbitrary arrangements, and to establish a genuine *modus vivendi* based on the recognition of their mutual needs and aspirations. Some sort of a confederacy of the peoples already drawn together by the Danube would seem to be a logical necessity.

Freedom, prosperity and happiness are to be found only in common consent, not in coercion. In self-determination of this character will be found the peace of the whole world, as well as of Central Europe.

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