(April 20th, 1936)

Canada and the European Situation

By P. E. Corbett, M.A., Professor of International Law and Dean of the Faculty of Law.

Col. Bishop:—Distinguished guests, fellow members of the Canadian Club and ladies and gentlemen of the radio audience. At no time since the cessation of hostilities in 1918 has the world been faced with the trials and tribulations which we are now undergoing in respect of those countries who set up the League of Nations, and signed the covenant which establishes its validity, to which Canada is a signatory. And we see, according to the latest radio and newspaper reports, that the League would appear to be almost powerless in the present situation. We have, as Canadian citizens, a direct responsibility in inquiring into why this is and where it is going to lead. A new era would seem to have to be established. Our guest of honor, Professor Corbett, is peculiarly qualified to speak on this matter. His early training—he was born in Prince Edward Island, schooled in the Province of Quebec, Manitoba and Alberta, graduated from McGill in 1919, served overseas, was decorated for gallantry. After the war he was chosen as a Rhodes scholar and became a law fellow of All Souls' College. He acted as legal adviser to the International Law Office, and returned to Canada in 1924 to take up the chair of Roman and International Public Law at McGill, as Dean of the Law Faculty at that University, which position he now enjoys. I am sure that you join with me in welcoming Dean Corbett not alone as a citizen of Montreal, but one who occupies a very responsible position and comes here today to tell us something of these problems which we now see the League of Nations faced with. It gives me great pleasure to introduce Dean Corbett.

Dean Corbett:—Mr. Chairman and gentlemen, the honor which you have done me in inviting me to come and speak to you, I will attempt to thank you for, to the best of my ability, by plunging straight into my subject.

The main lines of the European situation cannot but be familiar to all of you, and I am not going to try any subtle estimate of the various contending forces at work there. I am going to give, in the first place, a very rapid survey of what is happening.

We see Italy not only advancing in, but through Ethiopia and, if anything, in addition to the youthful enthusiasm of Fascism, were necessary to add zest to that conquering advance, I suppose it is the satisfaction of trampling on the corns of an angry England. We have Germany in reoccupation of the Rhine land, from which she had been excluded by the Treaty of Versailles and by the Treaty of Locarno. Encouraged by these breaches of treaties, Turkey has announced her intention of refortifying the demilitarized zone of the Dardanelles and, according to Saturday's report, she has followed up her declaration of intention by marching troops into the area neutralized by the Treaty of Lausanne in 1923. Austria has undertaken to increase her armed forces above the limits imposed by the Treaty of St. Germain. Hungary is contemplating a similar step. If she does rearm the Little Entente talks of mobilization. Everywhere arms factories are clanging and men are marching over ground littered with fragments of torn up treaties.

Now what is the reason? Why have all our careful treaty arrangements made to prevent aggression, to secure peaceful settlement of disputes and the administration of justice between nations, why have they failed? Why are we imminently threatened at this moment with another major war? Why is our peace machinery functioning so badly? Well, the answer to plain men is a simple one. It is because we have not put our backs into the business of keeping the peace. We set up a machine which was the best human intelligence under the circumstances could devise. We set it up and set it working. As it got under way we began to withdraw the power necessary to keep it functioning. We failed to concentrate upon the new method,

the method of general organization as opposed to the old scheme of rival alignment. We tried to ride two horses at the same time and we have fallen between them. In the course of the League of Nations two powers have been dominant. They are Great Britain and France. For the failure of the League, and we must admit a considerable degree of failure, they are jointly responsible. Or at least I think they should shoulder the major responsibility. As I shall attempt to show even this relatively small country must accept its share of the blame.

But France blames Great Britain and Great Britain blames France. Certainly from the beginning of the League France has lacked faith. It has attempted to bolster up its security by a series of supplementary agreements outside the League of Nations, and in doing so it has weakened the League. It has been unwilling to disarm owing to what we consider a morbid fear of Germany. Its policies have kept Germany in a state of Nationalistic agitation. On the other hand France made several honest efforts to strengthen the League to a point where it would be able to solve France's security problem. In 1924 they proposed to forward the protocol which was to be added to the covenant, fill in the gaps to make war illegal, to provide for the invariable peaceful solution of all disputes. Great Britain, with the encouragement of Canada, rejected that protocol. Again a few years later France proposed that an international force should be set up at Geneva powerful enough to carry out the decisions of the League against an aggressor. We refused to follow them in that proposal. Great Britain and we must share the blame for the present situation. Both great leaders failed miserably in the great test of Manchuria in 1931 and 1932 because our view of our own interests was such that we did not concede it possible to employ sanctions against Japan. We allowed the League to be flouted by a great power and there the steep descent into the present abyss begins. We said the reason for our inaction at that time was because the United States was not a member of the League. Certainly the absence of the United States has always been a weakness, but in that particular crisis we had a gesture from the American Secretary

of State, Stimson, who went about as far as he possibly could to signify that the United States would be with an attempt to stop Japan in her aggression in Manchuria.

What is the solution of the present difficulty? You see the League confronted on the one side with an acute Franco-German siuation, and on the other with the problem of sanctions against Italy, rapidly victorious in Ethiopia. The instrument of peace is not long enough established, it is not powerful enough to deal logically and drastically with both of these situations at once and it is going to have to accept the consequences. It seems to me its best course is to accept the *fait accompli* in regard to Germany, to accept at its face value for the moment Germany's offer to enter into negotiations for the reorganization of the peace machinery in Europe and to continue the sanctions against Italy and to strengthen those sanctions. The reason why I say that if we have got to choose we should choose this latter course rather than to try to stop Germany and turn her out of the Rhineland, the reasons are two—one, because we have begun the job against Italy; two, because the moral considerations in favor of stopping Italian aggression are far greater than those in favor of the attempt to turn Germany back out of the Rhineland. Germany has not invaded French territory and that is a vital human factor. One must not lose sight of it. We can, I think, thus evade yet a great war. It seems to me to be the only way. It is the way which Great Britain is choosing. Within the last two days the Prime Minister, Mr. Baldwin, has advocated that course. In doing so he has deplored the weakness of the League and has stated that when it comes to reorganization the central body at Geneva must have more power. But he has defeated himself to a great extent in taking the stand that in no circumstances will major sanctions be employed in the present crisis. I cannot agree that military sanctions should be excluded from the realm of possibilities. It seems clear to me that the main effort against Italy has been weakened almost fatally by the assurance constantly given that economic sanctions, the natural sanctions, are all that will be employed. We should have known from the endurance of Germany in 1917 and 1918 how long a country

can hold out against economic sanctions and to tell an aggressor that you will employ certain economic sanctions, but you won't go any further, seems to me to be encouraging them to tighten their belts to carry their purpose while they can still live and carry on.

What are the lessons to be learned from the situation. The first lesson to my mind is this, that humanity has got to accept the idea of an international authority over and above states. Humanity has not accepted that vital principle. It is a curious thing that the statesmen who imagined and who set up the present League in 1919 have taken great pains to avoid the impression that they were creating a super-state. I think they themselves have created the bogey of the super-state, have supposed that humanity was not ready for any such centralization of authority in an international body and have been trying to deceive people into the belief that effective international action would be possible without centralized international force. Now there is a thing that is apt to be scouted by practical men. We are told we are theorists, to get on with the practical business of the world. But if you don't accept the absolutely fundamental premises, you are building on sand and that is what we did. We have got to have something in the nature of a super-state if we want to get international peace and it is no good trying to deceive humanity about that proposition. You might just as well come out in the open and get over the difficulty, if there is a difficulty, and I believe that the difficulty is largely a mental hazard in the minds of the politicians. I do not believe humanity in general attaches such sacred enthusiasm to the idea of the state as the supreme human authority that it will not, for the purpose of avoiding war, rise to the idea of something more general.

That, to my mind, is the first lesson. We have got to sacrifice the so-called absolute sovereignty of the state. We have got to accept limitations upon state action by an international body. It is only if you do that, that international adjudication can become effective.

What is the interest and what should be the part of Canada in the present crisis and in the way out of it? I

have said that we must accept a share of the blame for the weakening of the League. I would not exaggerate here. There are those who say that Canada has been the arch destroyer, has led the attack upon the covenant. It is not necessary to credit ourselves with any such destructive efficiency, but we did very early begin to chisel on our obligations under the covenant. We did lead an attack against article 10 of the covenant which is the one that guarantees territorial integrity and political independence to the members of the League and we did demand either the deletion of that article or its interpretation in a sense, that would leave each nation judge, as to whether it need contribute any military assistance to the guarantee of another nation's territorial integrity or political independence. Now, gentlemen, that was exactly like making an arrangement with a man to work for you on the promise that, at the end of the year, if you felt like it, you would pay him. You cannot make an effective international instrument for peace on a basis which leaves it open to every nation every time aggression comes, to decide whether it will help or not in keeping the peace It simply won't work . Then again when in the 20's it was suggested that the economic position of certain powers demanded discussion on distribution of the world's raw materials, Canada refused to entertain that proposal. They would not enter upon any such discussion. When France and the English Labor Government in 1924 drew up a protocol to reinforce the covenant, we here rejected it. It was rejected by the government without consultation of parliament. Parliament was never informed after the rejection; and finally, gentlemen, not to prolong this unpleasant story, this last time we made rather a picture of ourselves, in getting out from under certain commitments or apparent commitments regarding the strengthening of the sanctions against Italy. We have a lot of responsibility to face in the weakening of the League of Nations. I don't insist that this country should be a leader in the work of international peace. We enjoy a specially sheltered position. But I do insist upon modest integrity, consistency and the fulfilment in letter and spirit of the bond which we assumed in 1919. There are people in this City of Toronto,

where there has been a great deal of discussion on this matter, who maintain that we have a perfectly good alibi and that the League has not lived up to our expectations. There are those who maintain we entered on three commitments: 1, the United States would be a member; 2, general disarmament; 3, that article nineteen regarding readjustment of dangerous situations would be seriously undertaken, and they have found in the disappointment of those expectations a legal case for abandoning the league or at best giving it half-hearted support. Well, I have had considerable legal training, but I doubt the legality of that defence. There is another prominent Torontonian who maintains that the moral issue is really not clear, that Canada might be well advised to remain out of any effort to enforce the interests of the "have" powers against the "have-not" powers. This particularly ingenious Canadian argues that the present League is a League of the "haves" against the "have-nots," and if we support it we are merely promoting that readjustment in distribution of the sources of the world's wealth which must precede any establishment for peace. Well, I do not follow that gentleman in his moral argument, but I am prepared for the moment to abandon to him both the legal ground and the moral ground and to deal with the matter on a basis of practical consideration. These gentlemen both assume that if we wish to do so we can isolate ourselves from the effect of what happens in Europe, that we can isolate ourselves from that major conflict, which they deem to be certain. Well, politically, I doubt whether we should want to do that. I think it is arguable that even if war involving Great Britain did not evoke in this country the same degree of enthusiasm as it did in 1914, yet a sufficient number of people in this country would want to participate in a war involving Great Britain that we should take part. I think that is arguable. I won't put it stronger than that; many of you perhaps would. But supposing a majority of people in this country were against participation in a major issue. Supposing Canada refused to take part in this alleged impending conflict. It seems certain, doesn't it, that Great Britain is going to be involved in it? Are we going to stay

out, remain neutral? I don't know, as I said, whether we shall want to. Suppose we do. The mistake to me seems to be constantly made, that we can remain out if we wish to. Sight seems to be completely lost of the point of view of the other belligerent. It would always be open to the enemy of Great Britain to say, "You have been identified with Great Britain for many purposes in times of peace; we shall continue to regard you as identified in time of war. Declare neutrality if you like; you are a main source of supply. We shall treat your trade as enemy trade. We shall intern Canadian citizens. We are not going to take the trouble to distinguish according to whether they resided three years in Canada. You are asking us to do something impossible." It will always be open to the other belligerent to question the neutrality which we seem to think we can put on at will. I doubt whether Canada could, if she wished to, remain out of war involving Britain. If I am right in that, am I not right in this further statement? Does not our interest dictate to us that we should do all that we can to lessen the chance of Great Britain becoming involved in war? It was pretty generally concluded at the conference held in this city in 1933 that the continuance of the commonwealth depended, for the reasons I have said, upon the maintenance of a strong League of Nations. I believe that the maintenance of a strong League of Nations is the best guarantee of the continuance of the commonwealth. Now gentlemen, when I argue as I have done I am sometimes accused of an essentially European point of view. It is true that for a while in my life I lived in Europe and was identified with European institutions, but for those who have accused me of being European in my outlook upon world politics I have an answer which I have not yet taken the trouble to make and which I will make today. It is a bit of Canadian history, obscure but true. My great-great-grandfather came to this country in 1758; he joined the forces of Wolfe before Louisburg; he came as a soldier. He remained after the war. He liked this country and since that time his descendants have always liked this country. They have not become very numerous and they have not become rich. They have displayed a spirit of restlessness. In my own

case, as the chairman remarked, I lived in five or six provinces. But I state these facts as some evidence of my title to the description of a Canadian. I am a Canadian in blood and bone and brain and it is as a Canadian that I speak when I discuss the part which I should like to see my country take in this business of international peace. We have set our hand to this business and I want to see us do a job. I do not want to see my country cowering in a North American corner, withdrawing from this and repudiating that and then telling Europe how it has put out the flames. Since last December, with its childish palaver about Riddell and the oil sanctions I have been ashamed and those of you who feel with me in this, and there are probably some of you, have, I think, a duty to perform. Both the major parties in this country have shown themselves woefully inadequate in foreign policy. Their fundamental inadequacy is that they have not realized that it is a vital issue in the national life. They have days to waste in the interchange of petty excuses; they won't give two hours a month to the discussion of foreign policies. And they call that government. There is, as it happens, going on in this city today an effort on behalf of the League of Nations Society. I didn't know that when I came here. I have not come here as a propagandist for the League of Nations Soicety, but I commend that to your attention as an organization for the education of the Canadian people in the realm of international politics and international problems, as a training for fitness in the management of this country's business in the world; that association, if for no other reason, is worthy of your support. And I say to you here, if you want to see this vital part of the nation's business more efficiently handled, talk to your members in parliament and when it comes to voting use your votes to do what you can to send to Ottawa men with some understanding of the vital connection between what is going on and the intimate texture of your life and my life and men who, with that understanding, will bring to the business of this country a larger vision of its magnitude and of its dignity. Until you have done this, this lovely land of ours is going to be a clumsy child in international politics.

COL. BISHOP:—The Canadian Club of Toronto has always prided itself on being a forum of free expression of opinions which are in the national interests of Canada and I think the fearless, outspoken address of Dean Corbett, as made here today, is a very valuable contribution to this club's proceedings; and we are very, very grateful to him. I feel sure, for his trouble in coming here today, and we hope perhaps he may return at some future date to elaborate further on the theories he has expressed.