

"TO MAKE THE PUNISHMENT FIT THE CRIME."

LETHARGIC Britain has been aroused, and sure of his ultimate triumph over the forces of hell let loose, discussion is rife as to the penalty which will obliterate all traces of the new "Kultur." The universal verdict is "first catch the Kaiser, then hang him," but this still leaves the stupendous question of compensation for outrage, arson and murder to be settled by the court of public opinion (too outraged to trouble about the exact responsibility of individuals). Already the whole German nation has been indicted as enemies of the human race.

In the May issue of *War and Peace* G. Lowes Dickinson attempts to remind the public that "Punishing Germany" may mean inflicting an injury on those unborn and continuing to future generations our present enmities. Mr. Dickinson says rightly that the war was not made by the sixty-five million men, women and children whom we call "Germany," but by the Kaiser and his accomplices, who are responsible:—

Suppose, for instance, you were to exact from the German nation an annual tribute of hundreds of millions, for half a century or more. That means that you will make all Germans poorer during that period, including all who are now infants and all who will be born within the period. Most of them will be people who had nothing to do, even indirectly, with making the war. Whatever reason may be given for such a policy, it cannot be justified on the ground of guilt. For the penalty must fall on those who are not guilty, while leaving unpunished the few men who really did make the war.

The same considerations apply if we look, not at the origin of the war, but at the barbarities that have been committed in the course of it. German officers and soldiers have done monstrous things in Belgium. Therefore, some have urged—they are few, I believe, and would hardly dare to stand up and defend themselves—the allied troops ought to "punish Germany" by doing similar things to Germans in Germany. To quite a different set of Germans, observe; Germans who had no part in the crimes and no power to prevent them, and who, no doubt, loathe them as much as we do. Yet I have heard of ordinarily mild women who recommend that form of punishment. So with the sinking of unarmed ships. This, too, is an abominable crime. But if it is to be punished, it must be punished in the person of those who commit it, or rather of those responsible for

giving the orders. To "punish Germany" for it is to punish the innocent for the guilty. It is like the old method, long ago abandoned as barbarous, of punishing a man's tribe or family for his fault. It is not really punishment; it is revenge.

I argue, then, that if we are thinking of justice, it cannot be just to punish for the crimes of certain Germans all the sixty-five millions of German men, women and children now alive, and millions more who are not yet born. But it may be said, "We are not thinking of justice. We are thinking of reformation. The Germans will be better people when they have been punished." Will they? No one can be better for punishment, unless he believes that he is guilty and that the judge is just. But neither condition here obtains. The Germans, so far from believing they are guilty of the war, believe that *we* are! It is unreasonable of them, no doubt. But, in fact, that is what they believe, and are likely to continue to believe, until some historian of the future can produce facts at present unknown and prove to demonstration where the guilt lies. If, then, the Germans are beaten, they certainly will not think that the Right has triumphed. They will think it is a triumph of Wrong. And they will feel it a duty, as well as a right, to try to right that wrong. They may say, "We have been mismanaged, we have been unwise, we have been unfortunate." The one thing they will not say is, "We have been wrong." And unless they say that they are not benefited by "punishment."

But not only will the Germans not believe themselves to be guilty, they will have no confidence in the judge. How should they? The judges are their enemies. They are actually the opposing parties in the suit! If they were as just as possible, how can they be believed to be just? . . . We want a permanent arrangement which will guarantee each and all the States of Europe against aggressive attack by the others. Anything done by the victors which will contribute to that purpose is right. Anything which will militate against it is wrong, whether or not it be dictated by righteous indignation. The German Government and the aggressive and Jingo part of the German population ought not, I agree, to emerge from this war with a feeling that it will be a safe venture to try the same thing again. Neither, on the other hand, must the German nation be put in such a position that all their legitimate interests and ambitions are thwarted. For then they would have no other course open to them than to enter, as soon as they can, upon a new war, which would also then be a just one.