"SOMETHING ATTEMPTED - SOMETHING DONE"

Address delivered by James Brown Scott
at the University of Michigan, Ann Arbor, Michigan,
June 20, 1932.

- - - - - - -

Mr. President, Members of the Graduating Class, Ladies and Gentlemen:

We are gathered together to celebrate the ending of a course of study in the University of Michigan which closes today with a certificate of "something attempted, something done," and to congratulate you upon the departure that we, who have experienced it, call a commencement, for which you have prepared yourselves and whose nature and extent you can alone determine, - a commencement to be continued from day to day and from year to year until you have, as we hope, succeeded in the pursuit of happiness, which is sure to be yours in so far as you make others happy; for in that alone happiness lies. The bluebird of happiness dare not escape us.

x
x x

For many years past I have been personally - and sometimes professionally - interested in the making and the interpretation of treaties, especially those relating to arbitration, which the Government of the United States has concluded with a large number of countries. These treaties invariably excluded disputes concerning honor or vital interest. Why should controversies of this category be excluded, and what are their peculiar characteristics? It would seem that the contracting parties would need to know what "honor" and "vital interest" meant in order to exclude them. For example, when the government of the United States requested the submission to arbitration of the Alabama claims, which had arisen during the Civil War, because Great Britain had allowed a vessel called the Alabama, built in England during the war, to escape - thus greatly injuring the sea-borne commerce of the United

States - Her Majesty's Principal Secretary of State for Foreign Affairs, Earl Russell, formerly and affectionately known by his courtesy title of Lord John, refused the request of the United States on the ground that the question touched the honor of his country. Yet within a decade the question was arbitrated. What had happened? The word was the same, but, chameleon-like, it must have changed its meaning with the changing conditions; otherwise why should Great Britain later have submitted the Alabama claims to arbitration? Or could it be that Mr. Gladstone, Prime Minister when the submission was arranged, was disinclined to allow "honor", whatever its meaning, to stand in the way of friendly relations between the two English-speaking countries of the world. What has been said of honor is true - indeed truer - of vital interest; for is it not, like honor, an indefinite expression, - indeed so indefinite as to seem incapable of precise definition? The fact is that a controversy is said to involve a vital interest when one or the other nation insists that it is vital, provided the nation insisting is strong enough physically to make its insistence prevail. In any case, the nation alleging honor or vital interest as standing in the way of arbitration decides the question. The standard is therefore personal and largely turns upon the greater or lesser interest that the country may have in the controversy at one time or another. Yet there should be a standard, not merely for one party to a treaty but for all contracting parties, and indeed for all nations which use the term "honor" or "vital interest".

If we are to use the expression "honor", it must have a meaning, and the meaning it should have is that applicable to the individual, because in the ultimate analysis we are employing the term in connection with the individual and not with the artificial person called a State, which is only an agency for certain specified purposes of the people

composing the State. The term "honor", therefore, must apply equally to men and women, to the groups of men and women forming the State and to the groups of States forming the international community. And what is said of honor must also apply to vital interest. Now here, as elsewhere, there can be but one standard. What is this standard? We must remember that we are dealing with people and that, as far as we know, they have been religious beings, not only in recorded history but before our records began. To use a phrase common in political science, we may say that man is a moral animal; for there is now and indeed there always has been an appreciable relation between human beings, on the one hand, and a moral conception of things, on the other.

Therefore the standard must be a moral standard; otherwise it is inconsistent with the nature and dignity of mankind.

But human beings are as companionable as they are religious; hence we are not dealing with them in isolation but in companionship. Therefore the individual standard must be consistent with the nature and dignity of individuals in association. Finally, to use a classic phrase, - for it would vex the shade of Aristotle did we not do so - man is a political animal, the meaning of which is that the association into which men and women enter is organized for a political purpose, and that the rule of conduct of the society must therefore be a moral, a social and a political rule, consistent at one and the same time with the nature and dignity of the political animals forming it, - to use in the plural Aristotle's cherished expression. The standard is not for one, for the few or for the many, but for all members of society. It is the standard, therefore, of men and of women and an equal standard for both. It is the standard of the groups of individuals identical with the standard of the human beings who compose each group, and the standard is universal, whether it be considered as embracing the individuals forming humanity or the groups which, under the name of States, form the international community.

In each case, the standard is that of the individual and in harmony with the nature and dignity of the individual.

Perhaps we are now in a position to answer the question, what then, is honor? An acceptance and application of this standard in all the relationships of life. What, then, is vital interest? An ephemeral, not to say artificial, thing at best, if the standard is applied without distinction to all human beings. It is a personal standard, because individuals are persons; it is impersonal in that it is applied equally to the individual without distinction of sex, race, nationality. It is the unity of law with a trinity of implications, moral, social and political.

It is only when our actions are made to accord with this rule of conduct, stated in the form of law, that we can expect happiness.

We are becoming increasingly aware of the fact that there can not be two standards. We discussed that matter by force of arms during the Presidency of Abraham Lincoln, whose standard was preëminently human and unaffected by the color of his fellow men. By successive amendments to the Constitution of the United States we have declared that slavery can not exist in the length and breadth of our land, nor any involuntary servitude, "except as a punishment for crime"; that all persons born within the United States and subject to its jurisdiction are citizens of the United States and the State in which they reside; and but yesterday, by the Nineteenth Amendment, that the right of suffrage should extend to women as well as men. At the present day, is there not an amendment pending in Congress to accord to men and women equal civil rights? When this is accepted, there will be one rule of civil conduct within the vast domain of these United States.

Unfortunately, there is not yet a single standard in the

intercourse of nations. Apparently, a man in public position feels that, somehow, the manifest destiny of his country depending upon his action, he man - indeed must - use any and all means calculated to safeguard that destiny. If Madame Roland could exclaim: "Oh, liberty, how many crimes are committed in thy name!" may we not say: "How many crimes are implicit in 'my country, right or wrong'"? The phrase is of Stephen Decatur, in his famous toast at Norfolk in 1816. To this toast I am bold enough to reply in my proper person that if in its foreign relations our country commits a wrong, may God give us the grace to see the wrong and the will to right it. And did not President Wilson, speaking to the world and in behalf of the world, insist that all nations should be governed "in their conduct toward each other by the same principles of honor and of the common law of civilized society that govern the individual citizens of all modern States"? The meaning of this is clear: that enlightened statesmen of our country and of our day are insisting upon the standard of a man of honor in the relations of nations, and the standard of the man of honor is the standard consistent with the nature and the dignity of every man and woman of every civilized country. The standard must apply to all nations: to be specific, to the United States as well as to Liberia, according to the famous dictum of Chief Justice Marshall, that Russia (then a vast empire) and Geneva (then a pigmy republic) had equal rights.

Whither do we trend? Towards federation. Witness these United States of America. But this trend, which is unmistakable, is toward a larger federation, identical with the international community, for which a great Italian poet is, through his Convivio, the accredited spokesman:

> The root and ground of the imperial majesty is, in truth, the necessity of man's social state, which is ordained for a single end, namely, a life of happiness; to which no one is able to attain by himself without the

aid of some one else, inasmuch as man has need of many things for which a single individual cannot suffice. And therefore the Philosopher [meaning, of course, Aristotle] says that man is by nature a 'companionable animal'. And just as an individual in order to suffice for himself requires the domestic companionship of the family, so a household to suffice for itself requires a neighborhood, else it will suffer from many defects which will be hindrances to happiness. And because a single neighbourhood cannot in all respects be self-sufficient, in order to satisfy all its wants there must needs be a city. Moreover a city, for the sake of its crafts and for self-defense, must needs have intercourse and brotherly relations with the neighbouring townships, and for this reason kingdoms were constituted. Wherefore, inasmuch as the mind of man does not rest content with a limited possession of land, but always desires to acquire more land, as we perceive by experience, disagreement and wars must needs arise between kingdom and kingdom. Such things are the scourges of townships, and through townships of neighbourhoods, and through neighbourhoods of families, and through families of individuals, and thus happiness is hindered. Wherefore, in order to do away with these wars and their causes, it is necessary that the whole earth, and all that is given to the race of men to possess, should be a monarchy, that is to say, a single princedom; and should have a single prince, who, possessing everything, and having nothing left to desire, should keep kings confined within the borders of their kingdoms, so that peace should reign between them, and townships should rest in peace, and while they so rest neighbourhoods should love each other, and in this mutual love families should satisfy all their wants; and when these are satisfied, a man should live happily, which is the end for which he is born.

"Still walks the earth, with haughty mien,
Pale Dante, in his soul's distress;
And still the lovely Florentine
Goes lovely in her wine-red dress."

x
x x

If international law, which embodies the rules of conduct between the broups of individuals which we have termed "States", is to be law, it must be universal and it can not be universal if it is unequal. It must be the law of the individual, inasmuch as the State, made up of individuals, can not have greater rights than the individual can exercise or convey.

Why is this so?

If individuals were not organized in society for a social purpose,

each would be dependent wholly upon himself and would need to defend his rights and attempt himself to exact the performance of the duties due to him from all others. Such a situation would be anarchy, with every man a law unto himself, and the arbiter of his own rights and the duties of the others.

We may therefore conceive that, on entering into association, each individual member renounces in effect, if not in form, the exercise of self-defense of his person and of his property, save in the exceptional case of immediate and overwhelming necessity, - a concession, understood rather than approved, to our human weakness.

We may also conceive that the renunciation, in effect a self-denying ordinance, is accompanied by an enabling act on the part of the individuals forming the society, whereby the governing board or agency of their creation is authorized, empowered and directed to enforce the right and the duty of each, not merely in behalf of the individual but for the benefit of the society.

Hence it is that rights and duties, absolute in isolation, become relative in society.

And it is obvious that the association created by the individuals can not have greater rights than those possessed by the individuals, and their governing board or agency can not be legally possessed of greater rights than the principals can confer.

Therefore the standard of honor of the nation is the standard of honor of the individual men and women composing the State and any assertion to the contrary is the assertion of might over right.

x

x x

If we search for the law until we find it and then apply it,

we shall be successful in our pursuit of happiness, which, after all, is not a matter of pursuit but of renunciation, and the degree of our happiness will depend upon the happiness which we bring to others. And this is my only suggestion, that here, now and everywhere we think in terms of the general happiness, for if we do, we shall be rich in our happiness beyond the dreams of avarice.

Mr. President, -- "Something attempted."

Fellow Graduates, -- "Something done."