

NEW OUTLOOK

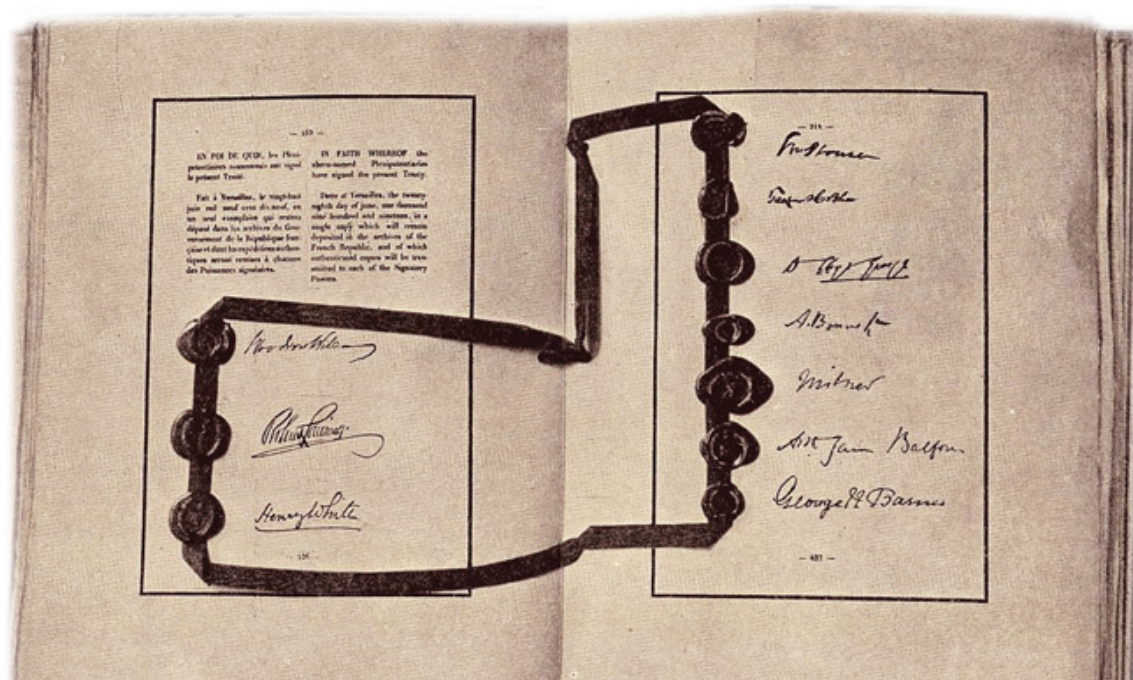
MARCH, 1935

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THE PHANTOM CLAUSE

by Guy Hickok

The "war guilt" admission supposedly signed by Germany in the Treaty of Versailles does not exist! This is a story of how a peeved translator duped the world.



IT BEGAN even before the ink was dry. It will continue for many years, the whittling away of the substance of the Treaty of Versailles; for Germany is united in a determination not to rest until the last trace of the hated "diktat" has disappeared.

On a bright day in June, 1919, the alleged great of twenty-seven nations stalked or shuffled up the wide *escalier d'honneur* and seated themselves in a hollow square in the great Hall of Mirrors of the Palace of Versailles. Here Bismarck had proclaimed the German Empire in 1871. Here, now, Germany was to be humbled.

By a back stairway (it might be called the stairway of dishonor, to distinguish it from the honor stairway used by the Allied delegates), two obscure and worried Germans, unknown though armed with plenipotentiary powers, were ushered into the same great hall, and conducted to a table.

With a hand which he strove to keep from trembling Baron Becq de Fouquieres, master of ceremonies, handed the first German a pen. He wrote quickly "Herman Müller." The second German wrote "Dr. Bell." His first name was not recorded.

After Germany Signed

GERMANY had signed. The show was really over so far as the suspense was concerned; but it went on as a spectacle for hours as sixty-six Allied delegates, beginning with Woodrow Wilson and end-

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ing with a short gentleman named J. A. Buero, advanced one by one and each took the pen, signed his name, and pressed the seal in a blob of hot wax binding the signatures together with a great red ribbon.

The Crumbling Begins

THE writer watched it all in great discomfort, packed in a perspiring mob of newspaper and magazine writers and others masquerading as such, and with a 200 pound lady novelist wriggling in his totally inadequate lap, both of us on a still more inadequate spindle-legged gilt chair which creaked ominously with the novelist's every breath.

At that very moment sixty-five million Germans were determined that the Treaty of Versailles should not endure. They were furious at what it contained, and still more furious at something they had been misled to believe it contained, a stigma upon them all as a race and as a nation. Already their foreign office and diplomatic service, hold-overs from the Empire to the Republic, and which remain practically unchanged in the Nazi Reich, had begun the patient, unremitting labor which will be counted finished only when, of the treaty signed that day, no vestige remains.

Almost immediately the edifice built up by the treaty began to crumble. First to go was Article 227, arraiging "William II of Hohenzollern, for a supreme offense against international morality and the sanctity of treaties." This article set forth that the Kaiser was to be publicly tried before a special court "guided by the highest motives of international policy," an American to be one of the black-robed men sitting in judgment.

That article went by the board at once when, considerably to the relief of the Allies who began to realize how keenly a showman like William II posing as a martyr in the prisoner's dock might embarrass them, Holland refused to surrender the royal exile.

Except that it enabled David Lloyd George to win an election with the campaign cry, "We'll hang the Kaiser high as Hamon," Article 227 accomplished nothing. Even of the army officers accused of having "committed acts in violation of the laws and customs of war," not one was ever surrendered or tried. The crack-up of the treaty went on apace, sometimes swiftly, sometimes slowly. The United States withdrew from it after the Senate failed to give it a majority sufficient for ratification. And the Allies were soon at odds.

Mr. House



David Lloyd George



David Lloyd George



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In Ours Too

CURIOSLY enough our separate treaty signed with Germany at Berlin, August 25, 1921, and comprising word for word practically everything in the Treaty of Versailles, including the mis-called "war-guilt" clause, but omitting the League of Nations covenant, was accepted by vanquished Germany without a murmur of protest.

Reparations dragged from collapse to collapse, through Germany's refusal to pay, through the Occupation of the Ruhr, through the Dawes Plan and the Young Plan, until at the Lausanne conference in 1930 they were finally settled at ten cents on the dollar (on paper), in reality at zero.

Gustave Stresemann convinced Aristide Briand that the termination of the Allied occupation of the Rhine and its bridge-heads five years before 1935, the year fixed in the Treaty, would end the rising tide of nationalism in Germany and bring about an era of friendly relations. In 1930 the French and Belgians marched out. Hitler and the Nazis became more powerful than ever and Stresemann and Briand, seeing that their hopes were only a mirage, quite opportunely died.

On January 13 of this year another of the "chains of Versailles" was broken when the Saar voted to return to Germany. This time, however, the terms of the treaty had been lived up to to the last letter. Still more recently England and France have showed signs of recognizing that the military clauses limiting Germany's armaments on land, sea and in the air, are, as Germany says they are, really dead.

What Remains

ONE might well wonder if anything of the treaty that is really important remains. As a matter of fact a good deal remains, and enough to keep Germany still thoroughly unhappy. She has still to recover her

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Ed. S. Huntington



*Chandrasekhara
Maharajah of Mysore*



Julius Cambrey



S. Fisher



L. Moore



Woodrow Wilson

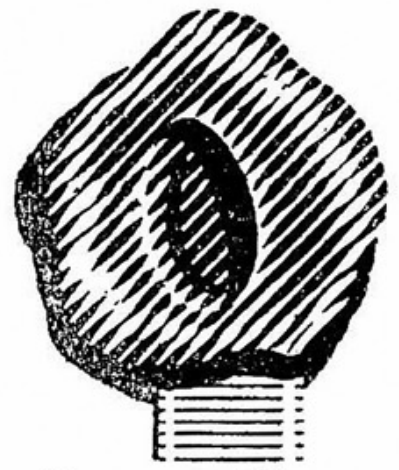
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1914 boundaries in Europe, and to regain her colonial empire. She has no great territories in Africa, no far-flung islands in distant seas, no foothold in Asia.

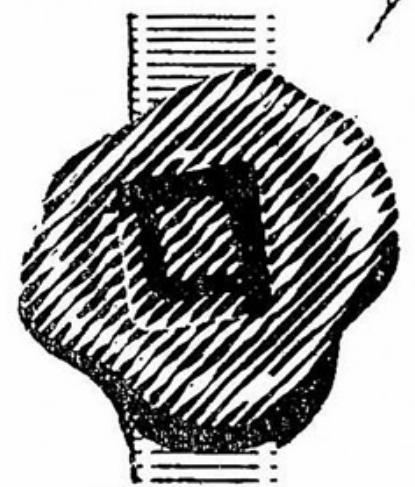
And she still suffers from the stigma of "war guilt." As it is the continuing policy of Germany, under any form of government, to throw off the whole of the "*diktät*" of Versailles, we may expect the hammering to shift, once the question of armaments is settled to her satisfaction, to the treaty's remaining fragments. And we may assume that it is in the matter of colonial possessions that she will receive satisfaction last, if ever. Britain will cling doggedly to the All Red route from Cairo to the Cape of Good Hope, won with the mandate over German East Africa. And if Britain clings to her winnings the other Powers will cling to theirs.

In Europe, Germany's efforts to restore the boundaries of 1914 will be fiercely contested; but it is entirely possible, nevertheless, that she may regain all the territory she lost, save Alsace-Lorraine, or that by absorbing Austria she may yet win an even greater victory.

Easiest of all her problems is that of shaking off the stigma of war-guilt, for that involves no territorial financial, or economic changes; and besides, *it is not there!* There is not and never was, a verdict of war-guilt in the Versailles Treaty. All Germany has to do is to correct a misapprehension created deliberately by her own delegation at Versailles. For incredible as it may seem such war-guilt verdict as has ever existed was written in by no other than Count Brockdorff-Rantzau, chief German delegate until the moment of signing the treaty when he resigned. The world-wide illusion of the existence of a war-guilt clause, created by Brockdorff-Rantzau, has persisted for sixteen long years. But the fact is that the countless political and non-political speakers and writers who have fulminated on the subject have been refuting a charge which the Allied statesmen though they repeated it verbally numberless times, took great pains not to make on paper, particularly on the paper on which the Versailles Treaty was written.



Ed. S. Huntington



Ranab Singh
Maharajah of Mikania



Jules Cambon



S. Richon



L. H. Moore



André Tardieu

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“Why It Isn’t Here!”

DUE to a piece of incredible carelessness on the part of the Allied delegations, the German people, the people most immediately concerned and the most keenly disturbed by the “war-guilt” charge, have never seen an authentic text of the treaty; and the present generation probably never will. The writer ventures to predict that another generation, however, going back to sources to find out what it was that so aroused their fathers and grandfathers, will look at each other in puzzled incredulity and murmur, “Why it isn’t here! It did not say that at all!”

The writer, present in Paris during all the treaty making, was also present when Count Brockdorff-Rantzau was let out of the high picket fence which surrounded his hotel to receive the treaty. He was brought to a much smarter and newer hotel, the Trianon Palace, a *de luxe* tourist resort, and handed the treaty only in English and French. The Allies should have handed him also a certified translation of the document into German. For it was here that they slipped badly.

Brockdorff-Rantzau, coldly haughty in the best German manner but with trembling legs, carried the thick book back to his hotel; and he and his aides made their own translation into German. Anyone with the slightest familiarity with two languages knows what a translator can do in choosing harsh or gentle synonyms. Count Brockdorff not only exercised his prerogative there; but he inserted words not synonyms for any which the Allies had written.

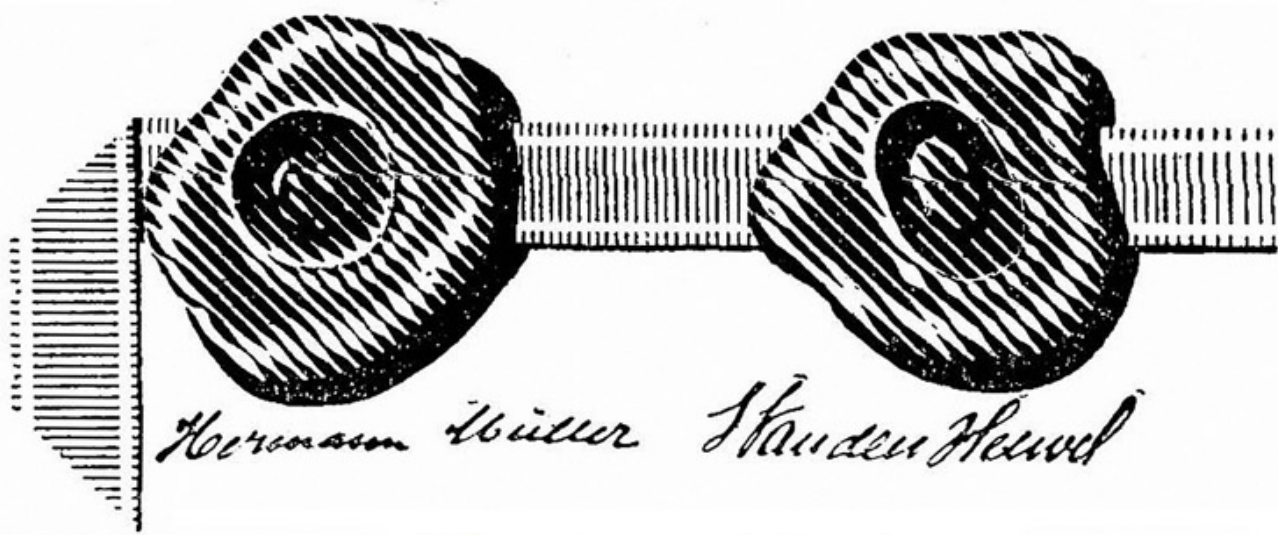
In the famous Article 231 he added words which the Allies had taken great pains to leave out, not for reasons of conscience, but for reasons of expediency.

For doing so he had reasons which he no doubt considered good. He was furious over a number of things.

For one thing he was furious with the Allies because they had not permitted him to “negotiate” with them. They had handed him a completed treaty with a “take it or leave it” speech from Clemenceau.

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For another thing, Germany was becoming a republic. Her national assembly at Weimar was drawing up a liberal constitution, which to a man of Brockdorff's tradition and training was annoying to say the least. He could not, by any dexterity of translation, make the treaty seem like a benediction; but he could, by sending it to the Weimar Assembly make it a little more distasteful than it really was, make a desperate play with two ends in view. First, he might arouse a storm of popular protest in Germany so vehement that the Allies would be frightened into making some modifications. Second, should the liberal and democratic assembly accept the document they might discredit themselves with the German citizenry, and thus get their republic off to a bad start, making it a simple matter to overthrow it later and to restore the kind of government which Brockdorff preferred.



The Second Bird

HE did not kill two birds with one stone. He killed only the second bird. The men of Weimar are "traitors" today in Germany, largely because they accepted, after much protest, of course, the verdict of "war-guilt" that Brockdorff-Rantzau, not the Allies, imposed upon them.

Let us go back now and see what the Allies really did write, how and why they wrote it, and exactly how Count Brockdorff-Rantzau altered it, and how the simple fact that he did alter it escaped all save a very few, how it escaped the German people altogether.

When the delegates of twenty-seven Allied nations convened in Paris on December 12, 1918, war guilt was in the air. Every chief delegate had expressed his conviction on that subject; and most of them went right on expressing such convictions verbally over and over. On paper, in the treaty, it was another matter.

The conference held an opening session and split up into committees and sub-committees, with the Supreme Council at the top and the Big Four,

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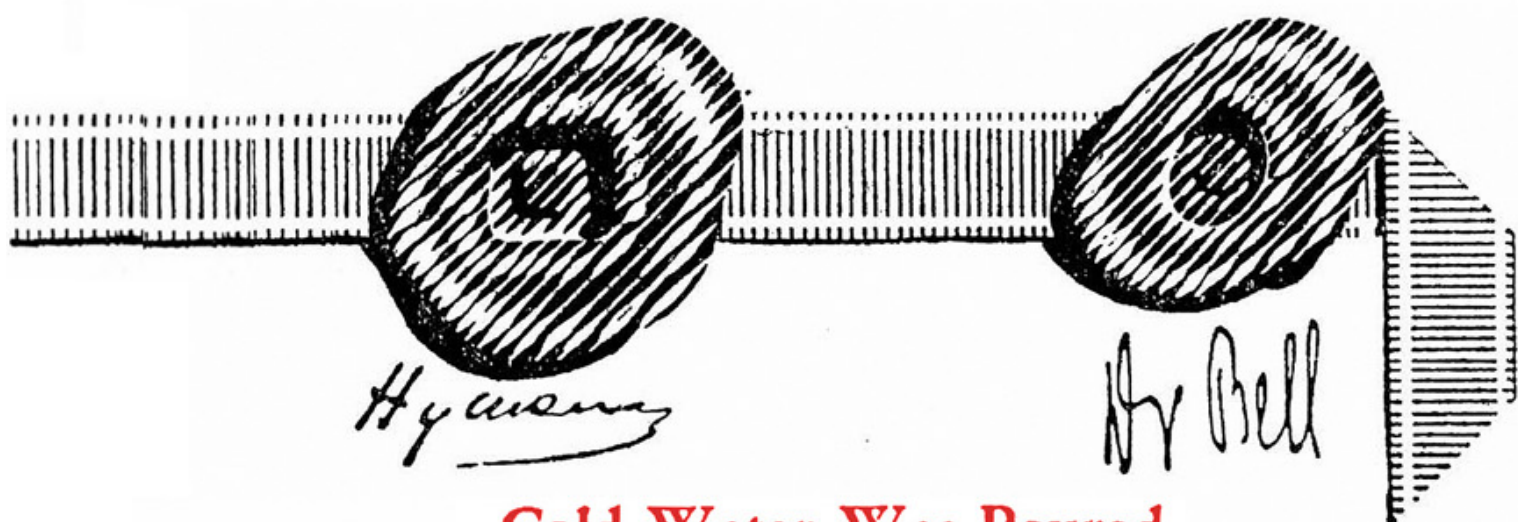
Clemenceau, Wilson, Lloyd George and Orlando, above even the Supreme Council.

Up-Popped Larnaude

THE advisability of including some expression on the subject of war-guilt had come up long before the conference convened. The French were for it. They proposed a "plan of procedure" as early as November, 1918, suggesting among other things that the treaty should contain "stipulations of a moral character; a recognition by Germany of her responsibility and of the premeditation of her leaders . . . and a solemn disavowal of violations of international law and of crimes committed against humanity."

Nothing was done about it then. But when the big committee named to draw up the covenant of the League of Nations met, a French delegate named Larnaude proposed embodying a war-guilt clause in the League pact. There was some debate; and Lord Robert Cecil, now Viscount Cecil, caused the proposal to be dropped on the ground that it would be out of place in any document destined to serve as a basis for an association of states.

Monsieur Larnaude then popped up in another committee, the one on Responsibilities. This committee consisted of fifteen members, and its task was to determine "the responsibility for the war," and "facts concerning violation of the laws and customs of war committed by Germany and her allies on land, on the sea and in the air, during the present war." The war technically was not over yet, you see.

**Cold Water Was Poured**

LARNAUDE demanded the establishment by a tribunal "in as incontrovertible and irrefutable a manner as possible, and by proven facts, that the responsibility of the war was incumbent upon Germany." Sir Ernest Pollock, chairman of this committee, poured cold water generously on Monsieur Larnaude's proposal, on the ground that it was thoroughly impracticable.

"No matter how many tribunals we establish," he said, "and no matter how many decisions they hand down, we will never convince the Germans that they are guilty of the war. We must not attempt impossibilities." He added that historians had already made their firm decision on that point, that they had established Germany's guilt (but had they?), and that the committee need not occupy

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itself with the matter. Nobody supported the Frenchman's demand. The best he could do was to get the committee to vote a resolution, which did not go into the treaty, condemning the violation of Belgium. As to the general question of war-guilt, the committee decided that this must remain entirely a matter of opinion and that it had no place in the treaty.

Insofar as the committee dealt with guilt at all it was with the guilt of individuals, "former enemies' guilty, during the war, of violations of the rights of men, the laws of humanity and the exigencies of the public conscience"; in other words, guilt of the Kaiser and of various officers accused of unduly rough-shod behavior. This committee reported out no clause on the subject of national war-guilt. And it put itself on record that no matter what the personal conviction of its members might be, the question was one to delegate to "the researches of historians."

A third committee was that on reparations, a committee composed almost entirely of bankers, financiers and lawyers. It was to report on "the total of reparations to be paid by the enemy powers, on the method of payment, on the form in which and the time at which the payments should be effected, and on the guarantees necessary to obtain payment."

The Lawyers' Idea

IT was also to discover or invent a juridical reason for requiring reparations payments; and the lawyers early decided that the basis of the claim should be that of civil responsibility (not criminal responsibility), due to a fault committed and the damage resulting therefrom. The French and Belgian lawyers presented at the very first meeting a memorandum pointing out that "all jurisprudence and all modern legal systems . . . proclaim in almost identical terms . . . that anyone who by his fault shall have damaged the life, the body, the health, the liberty or the property of another (quoting article 823 of the German Civil Code), should be condemned to re-establish the order of things which would have existed if the circumstances giving place to the obligation had not occurred." The memorandum stated that as the German invasion had caused the damages, Germany must be required to repair them integrally.

Day after day the committee went on splitting legal hairs, the Belgians on February 5 offering unsuccessfully a clause for embodiment in the treaty using exact expressions from the German Civil Code. On February 10, stone-deaf Prime Minister William M. Hughes of Australia, the man of whom President Wilson said desperately "He can't hear and won't read," and on February 19 Mr. Mori, the Japanese, brought up the same principle of damages due by the person causing the damage. On February 14, Prime Minister

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Hughes burst out again, saying that the tie between reparations and aggression was independent of the question raised by the American delegation as to whether the war did, or did not, constitute a violation of international law.

Article 231 Appears

THE costs resulting from a wrong should be paid by those who caused the wrong," he shouted, as deaf men will. "We demand justice, not revenge, not a punishment but only a reparation of damages."

In spite of some confusion of verbiage it was plain that members of the committee were trying to avoid using the term "war-guilt" in the sense of who caused the war, of who brought it about, as the juridical basis for damage claims. They fell on the use of the word "aggression," meaning the invasion, which occurred *after* the war began, as the best basis for the claim.

No matter who was guilty of causing the war, it was clear that Germany had invaded France and Belgium, and that France and Belgium had not invaded Germany. Emphasis of the claim from that point of view was made by Lord Sumner, of Great Britain, who said that in accord with the American delegate, he gave the word "responsible" the meaning "responsible according to the accepted categories of damages."

All of this debate was sterile, however, in one respect. It produced no wording that could be written into the treaty as the opening of the clauses on reparations. It was the Supreme Council which finally produced Article 231 which Brockdorff-Rantzau later converted into the copiously cursed "war-guilt" clause. The committee mentioned above made an incomplete report explaining that it had been unable to agree on how much of the **war costs should be included in the reparations;** and on March 24 it dumped the whole problem into the unwilling lap of the Supreme Council.

On the same day two American experts, Norman Davis, now American ambassador-at-large, and Thomas Lamont, then and now partner of J. Pierpont Morgan, submitted a separate report to President Wilson. It was fairly long and among other things suggested recognition by the enemy of its obligations in the following words, which incidentally were not used in the treaty:

"The enemy states recognize that the violence and the extent of their aggression render impossible a precise and adequate evaluation of the damages caused. They recognize equally and without restrictions or reservations that the sums hereinunder mentioned as making the sum of payments are far from large enough to compensate the damage caused. The enemy states engage themselves in consequence to repair the damages caused by them to the limit of the sums hereafter fixed . . ."

A week later, on March 31, the Big Four was

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asked to interpret the expression "civil populations" in the Lansing note of November 5, 1918, which had been the basis of Germany's demand for an armistice. The Big Four turned the question over to a sub-committee including Norman Davis, John Maynard Keynes, Secretary Robert Lansing and others. And on April 1, symbolic date, this committee turned in a report containing the clause:

"Germany must be constrained to recognize herself financially responsible for all the damage caused to the civil populations of the Allied and Associated Governments, and to their properties, resulting from the aggression of the enemy states on land and sea and from the air . . ." This report also contained the text of a "provisional agreement" between the American and British delegates, which is the first hint of what the famous Article 231 was to be.

It begins: "The Allied and Associated Governments affirm the responsibility of the Enemy States for all the damages suffered by the Allied and Associated Governments and their nationals as a result of the war imposed upon them by the aggression of the enemy states."

A Question of Phraseology

THIS Anglo-American provisional agreement, received April 1, was turned over to the French delegation on April 2 at about midnight; and by April 5 was returned to the Supreme Council, consisting at the time of Wilson, Lloyd George, Clemenceau, Orlando, and including Colonel House, Bernard Baruch, Norman Davis, Thomas Lamont, Lord Sumner, Colonel Hankey, French finance minister Louis Klotz, and later-to-be finance minister Louis Loucheur, the Italian expert Count Crespi, and others.

Klotz and Lloyd George at once said it would be imprudent to suggest that Germany could not pay all the damages. She would be only too ready to jump to the same conclusion. It was agreed that Germany should at least recognize her obligation "in principle." Clemenceau ended the discussion with, "It is only a question of phraseology. We can find a way out." The phraseology drawn up at this meeting—but still not the final text of Article 231, though it was getting close—was, "The Allied and Associated Powers demand, and the Enemy Powers agree, that the Enemy States, whatever the cost may be, shall compensate all damages caused . . . by the aggression of the Enemy States on land, sea and from the air . . ."

A Peeved Translator

AT 4 o'clock on April 7th, Thomas Lamont, John Maynard Keynes and Louis Loucheur brought a revised version of this opening sentence to the next Supreme Council meeting. It read, "The Allied and Associated Governments affirm,

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and the Enemy States recognize, that the Enemy States are responsible for causing all the loss and damage . . . in consequence of the war . . . ” Changing only a word here and there the Supreme Council sent it to the printer as follows,

PART VII
REPARATION
Section I
General Provisions
Article 231

“The Allied and Associated Governments affirm and Germany accepts the responsibility of Germany and her allies for causing all the loss and damage to which the Allied and Associated Governments and their nationals have been subjected as a consequence of the war imposed upon them by the aggression of Germany and her allies.”

That is the real text, bad enough perhaps, but it is a text that not one German in 100,000 has ever seen.

When Brockdorff-Rantzau got that along with the rest of the treaty—in French and English only—he translated it into:

“Die All. und Ass. Regierungen erklären und Deutschland erkennt an, dass Deutschland und seine Verbündeten *als Urheber* für alle Verluste und Schäden verantwortlich sind . . . ”

“*Als Urheber*” corresponds to nothing in either the French or English text. In that context it means “as primary authors of the war.” What doubt might exist on this point is dispelled by a retranslation into English which the Fichte Bund of Hamburg published and sent to America in thousands as anti-treaty propaganda.

The Fichte Bund’s translation reads like the official English text except that after the words “Germany and her Allies,” it contains the words “as authors of the war,” carefully placed between two commas.

“*Als Urheber*” made all the trouble. It was those two words which aroused the enduring fury of the German population. They are in all popular German editions of the treaty; and nobody finds it expedient to inform the German population that the treaty actually signed at Versailles does not contain them or their equivalent on any of its 428 pages. A correct translation exists of course, but only a few scholars are familiar with it.

The effect of the “*als Urheber*” was what Brockdorff-Rantzau probably expected it would be. The National Assembly at Weimar went into a very explicable fury and its leaders wrote the Peace Conference an indignant note vigorously protesting against the clause which “demands of Germany that she acknowledge herself to be the sole author of the war.”

Brockdorff-Rantzau carried the protest to the Big Four and read it to them. Tired by months of wrangling and a good deal of social life, the

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Big Four missed the finer points of what the German delegate was saying. They realized only that he was protesting against something or other and that he was demanding modifications in the treaty, which would mean negotiations.

Negotiations, the Allies, Clemenceau in particular, were determined to avoid. Clemenceau knew only too well how Talleyrand, Napoleon's Brockdorff-Rantzau at Vienna, facing the "allies" of 1814-1815, when permitted to "negotiate" with Napoleon's victorious enemies had set them fighting among themselves, and had thus saved a great deal out of the wreck for France.

Clemenceau had had trouble enough getting the Allies to agree among themselves. He would not risk having a German delegate making attractive offers to one ally, hinting to another that she was being swindled by her war-time friends, or meeting allied delegates alone in their hotels and tempting them to desert each other. That was why he had built the picket fence around the Germans' hotels at Versailles and why he had kept soldiers on guard.

Ignoring the Weimar protest, if indeed he heard it, Clemenceau, the Allied spokesman, answered curtly that the note "contains no new argument" and that "the moment for discussion has passed." It was a case of "Sign, or we cross the Rhine." Brockdorff refused to sign. He resigned and went back to Berlin.

The Phantom Clause

THE Weimar Assembly, unable to face the prospect of an Allied invasion of more of Germany along with the problem of trying to build a republic on the ruins of the Empire, wrote out credentials for the unfortunate Herman Müller and Dr. Bell; and ordered them to Paris as scapegoats.

Almost everybody, whether German or not, took it for granted that the "war-guilt" charge really was in the treaty; and an immense literature about it began to pour out of printing presses all over the world.

Not many people, writers or otherwise, actually read treaties. The air was so thick with war-guilt charges that it was assumed that they were in the treaty. This writer is frank to confess that it was many months before he opened the bulky original copy, one of several hundred issued to newspapermen and other observers, that was given to him the day the treaty was signed. The Peace Conference was over and there were other things to think about, thank God. The treaty with the enormous maps not included in copies printed for popular circulation, went into a filing cabinet where it remained, the leaves uncut.



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In common with almost everyone he met, this writer argued about the justice, or rather the injustice, of a war-guilt verdict against a whole people, never taking the trouble to see if one really existed.

It was many years before any doubt arose. Then musty nosed historians began digging about in the archives, stenographic notes, minutes, scraps of memoranda and all the paper left-overs of the Conference which had been shipped out to the old Chateau of Vincennes, east of Paris, for storage. The history professors found surprising things, and published thin, dull-looking little brochures, read by fewer persons than read the treaties. But they dragged out the truth, little by little, and there it is.

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ALFRED E. SMITH
Editor-in-Chief
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