

Dr. W. J. LEYDS  
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THE QUESTION OF RIGHT  
BETWEEN  
ENGLAND AND THE TRANSVAAL.

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LETTERS

BY

THE RIGHT HON. F. MAX MÜLLER.

WITH

REJOINDERS

BY

PROFESSOR THEODORE MOMMSEN.

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## P R E F A C E .

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I HAVE to thank Professor Mommsen and the publisher of the *Deutsche Revue* for having granted permission for reprinting not only my own letters, but Professor Mommsen's rejoinders also. I was advised by my friends in Germany and in England that it would not seem fair were I to publish my own letters without Mommsen's rejoinders, for the two together only would enable every one interested in the Question of Right between England and the Transvaal Republic to find out by himself whether a single screw in my steel-armour had been loosened by the attacks made upon my position, whether a single fact in the chain of my argument had been proved incorrect. I could not read, still less could I have replied to, all the other nameless or named articles which German newspapers have devoted to my letters. Many of them, I am afraid, never reached me, and some that were sent to me by their authors were such that I should have felt ashamed to take any notice of them. All these critics, however, ought to be perfectly satisfied if I take Professor Mommsen as their spokesman and ablest representative. To say nothing of the fairness and straightforwardness of his language, the absence of all personalities and innuendoes, the careful avoidance of all suggestions of motives, the masterly command of all the facts, as far as they were known to him, made it a real pleasure to discuss purely historical questions with one so full of the true historical spirit as he has always shown himself. It should be remembered, however, that I wrote on the Question of Right only, therefore on a question that entirely belongs to the past. Neither

Rhodes, nor Jameson, nor Beit, nor even Krüger in his latest character, could affect the Question of Right, nor had their recent proceedings to be discussed by me.

I have throughout tried to be as short as possible, particularly in my first letter, which was certainly not written with any idea of provoking any controversy. I counted on a certain willingness on the part of my readers, and on their ability to understand what I meant. Nor was I mistaken. When I spoke of the Congress of Vienna, Mommsen knew perfectly well what I meant. He knew, what others did not know, that the two important treaties between England and Sweden, and between England and the Netherlands, were concluded in 1814 by the Powers represented at the Congress of Vienna, and that the whole of that period may, from a diplomatic point of view, be perfectly well referred to as the period of the Congress of Vienna. When I saw that my words were not understood—not to say wilfully misunderstood—I quoted, in my second letter, the two conventions on which the whole question hinges, and which seemed to have been entirely unknown before, except to Professor Mommsen. If these two treaties, made during the period and by the chief members of the Congress of Vienna, are ignored, it might seem strange, no doubt, that England, and England alone, should have asserted against all comers its right to the Cape. And if it could be proved that the limits of the Cape, as ceded to England, did not end with the 25th degree, *i.e.*, with the territory occupied by Portugal, where did it end? And who fixed its frontier either below or above the 25th degree? These questions were not answered—they were not even asked—though the whole subject was evidently well known to Professor Mommsen when he wrote.

England is not fond of defending herself. Guided by Parliament and her Ministers, she does, or allows to be done,

what they think right, and gladly lets facts speak, instead of words. Much has been said by historians and non-historians about what was settled by native treaties and conventions, in order to prove that England has no right whatever over the Transvaal Republic. But England had simply to point to the fact, which is plain to everybody who has eyes to see, that the Transvaal Republic has always appealed for protection and financial help to England, not to Germany or France; and that now, in order to get rid even of the last shreds of former conventions, it appeals again to England, and to England only. It was with England that these conventions were concluded, not with Germany or France. And why? Because the territory on which the Transvaal Boers are settled was English, not German or French — was English *de facto* and *de jure*. It was not even "No man's land," like Namaqua or Damaraland. If it had been that, why should not Germany or France have extended their sphere of influence to the Transvaal, as well as England? Suppose that Danes were settled over a large part of Schleswig, would they be allowed to dictate to the Germans, or to treat the Germans as the Boers tried to treat the English?

Words are dangerous things, and apt to mislead. Thus *Uitlander* or *alien* is a misleading term. I doubt about the best classes in Germany harbouring a deep hatred against England. My friends were simply misinformed about the historical antecedents of these Dutch colonies; they were ignorant even of what had happened during the memory of man; and having been completely misinformed by Boer agencies, they looked upon the Boers as an aggrieved race struggling for national freedom, and upon the English as tyrants and oppressors. They were, of course, the very opposite; and even some of my German compatriots, after reading the books they ought to read, are willing to acknowledge their mistake. If the facts had been as they imagined, their

indignation would have been quite justified; but even then, though Germans and French may be called aliens on English territory, are not Englishmen citizens in every English colony in which they settle, like the *Civis Romanus* of old?\* They are surely inlanders, not outlanders, and if they pay their taxes, they ought to have the same rights as Boer burghers or Dutch speculators. But even the fate of aliens in an English colony seems more than bearable, and German emigrants actually prefer it to German citizenship.†

However, my object was not that of an advocate or a casuist—surely England does not want that. What I wrote was written, first of all, for my friends and correspondents in Germany, and it was meant as a warning against an indiscriminate judgment of England. It is a pity to see self-righteousness so very rampant as it has been of late in German papers. Surely every country has its sins, and the Germans have not yet grown into Pharisees, thanking God that they are not like other people. That is a character quite foreign, at least, it was so formerly, to the Germans, and *schadenfreude* has always been too mean a sentiment for them to indulge in. Is England angry with Germany for all the abuse poured upon it? From what I know of England I can honestly say “No,” though the friends of Germany, and there are many in England, are sorry to see Germany so misguided and estranged. Years may come when Germans and English may have to stand shoulder to shoulder again, and Professor Mommsen seems to me as fully aware of that as I am. Mommsen agrees in fact on every important point with what I said, nor can I discover a single fact on which he has to correct me. Then why does he use such highly coloured invective? He insists, it

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\* See Professor J. D. Wilson, “Were the Outlanders Aliens?” from the *Juridical Review*, March, 1900.

† See p. 24.

is true, on the idea that England and its Government were responsible, somehow or other, for the deplorable Jameson raid. All I can say is, that if Professor Mommsen and his friends can prove that Lord Salisbury or Mr. Chamberlain was at the bottom of that raid, was even cognisant of it beforehand, they are bound in honour to substantiate their charges. We, helpless spectators in England, hold that the Opposition in Parliament is there to discover and stigmatise such intrigues. But if such men as Harcourt and Lord Kimberley absolve Chamberlain, we are satisfied. We still believe in the honour of our Ministers, and we certainly hold that if the enemies of England are bringing forward nothing but suspicions, they ought to be thoroughly ashamed of uttering mere surmises in public. The letters here printed will show how far Professor Mommsen has established his momentous accusations by real proofs, and how far he has allowed himself to be carried away by newspapers and mere *on dits*.\*

F. M. M.

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\* Professor Mommsen's second letter was translated before it was published in the *Deutsche Revue*, when it was too late to insert a few corrections of his made in the May number of the *Deutsche Revue*.

The first part of the book is devoted to a general survey of the history of the book, and to a discussion of the various editions. The second part contains a list of the books, and a description of each. The third part is a bibliography of the books, and a list of the libraries in which they are deposited. The fourth part is a list of the books, and a description of each. The fifth part is a list of the books, and a description of each. The sixth part is a list of the books, and a description of each. The seventh part is a list of the books, and a description of each. The eighth part is a list of the books, and a description of each. The ninth part is a list of the books, and a description of each. The tenth part is a list of the books, and a description of each.

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## ON THE QUESTION OF RIGHT BETWEEN ENGLAND AND THE TRANSVAAL.

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IN letters to my various friends in Germany, I have so often of late had to explain my opinion as to the question of right between Lord Salisbury and President Krüger, that at last it seemed to me the best thing to write down once for all what I had to say, and to publish my paper. I am assured, though I can hardly believe it, that German newspaper writers, who were formerly supposed to study most conscientiously all questions of international law, have now allowed themselves to be taken in tow by men such as Dr. Leyds and Rochefort; that the Agrarians were enthusiastic for the Dutch Republics; that Roman Catholics admired the Capuchin sermons of Krüger—in short, that Germans, instead of looking for true blood relations and allies for the future in England and America, have sought for them in France and Russia. They may look for a long time. I hope they will discover, before it is too late, that blood is thicker than ink, and that the Saxons of Germany, England and America are the true, manly and faithful allies in all struggles for freedom in the future as in the past.

The extracts which the *Times* gives from German newspapers may fulfil their object if they amuse the reader at his breakfast, however little amusing the English papers are at the present. Though many of my German friends allowed themselves to be carried away by sympathy for the weaker party—a natural but most dangerous proceeding—there have not been wanting statesmen, even in the highest places, who

would not recognise the right of weakness any more than the right of force, but undeterred by cannons and by African gold looked simply for the right. As to myself, I think I have sufficiently proved that I am not afraid to declare my opinion openly, however unpopular it may be, in my old or in my new fatherland. At the time of the Danish war, when the whole of England was enthusiastic for "little Denmark," and would not listen to the right of the German Bund, I simply pointed out the bold but criminal measures taken by the Danish Ministry in annexing, with the approval of other states, the Duchy of Schleswig, one of the two *unverdeelt* duchies, the one belonging directly, the other indirectly, to Germany. This step was the cause of all later mischief, but had also this good effect, that Schleswig-Holstein became, as people said at the time, the lucifer match of German unity. In spite of the not always agreeable articles in the *Times*, and of almost all English newspapers, my statements were accepted in the end; and the English, when sobered, have gladly forgiven my somewhat sharp utterances in defence of the rights of the German Confederation. I fared still worse—for a time at least—during the Franco-German war. Though I was convinced in my secret heart that the best sympathies of England were on the German side, yet everybody, from the Prime Minister down to the anonymous newspaper hack, flew at me and barked, and made my life in England anything but pleasant. For all that and all that, truth has at last prevailed.

Of the two collections for the wounded which were made at Oxford, one in the palace of the Duke of Marlborough for the French, the other in my own small house for the Germans, the latter was in the end decidedly the larger. People would be surprised if I were to mention some of the ornaments, rings and bracelets that were sent to me for the Germans, not to speak of large gifts for the hospitals, which went to the

German Army, both in goods and money, there being no idea of the Bismarckian principle of *do ut des*.

I mention all this simply in order to show that popularity, whether in England or in Germany, does not influence me much, so that, if this time I write something which will not be agreeable to my friends in Germany, I do it from a deep conviction and from the esteem in which I hold my old friends and countrymen, without being influenced either on the right or on the left. The *Times* opened me its columns whenever I wrote under my own name, and I feel convinced it will be the same in Germany; for surely Germany is not sunk so low that it would deny the word to any one differing from her. "Strike, but listen," is a principle of impartiality which is, or was, nowhere so highly esteemed as in Germany. I do not maintain that I have much to say that is new, but I hope to be able to throw a better light on the facts as they are, and as they ought to be known. To remove all uncertainty, I say at once that the English nation and the English Government seem to me to have acted with perfect correctness throughout. That certain Members of Parliament were allowed to express their treasonable sentiments without let or hindrance, shows the perfect freedom of thought and speech possible under a truly constitutional government. The English think "it amuses them and does not hurt us," and they are anxious to avoid anything like a public scandal.

But how does it happen that these shouters, to say nothing of French shouters and spouters, have found so large a chorus in Germany? Surely it is impossible to ascribe any longer to the Germans envy, hatred and malice against England? They are now too great for that, and they know what they owe to themselves.

Nor is it at all like the Germans to form their judgment according to success. It is perfectly true that the Boers, the pious, innocent lambs of the Transvaal, have apparently had

great successes; nay, one is almost glad for this, so that the whining over the weakly and suddenly overrun Boers may cease at last. It is known in Germany what it means for an army to cross the Rhine. Even the Channel is still considered a dangerous impediment. But now ask any general or any historian whether there is or ever was a country that could send its army, with horses, cannon, ammunition and stores, over 6,000 miles across the sea, as they might across the Rhine or the Channel? Really, in order to compare the number of the soldiers of the Boers and the British, the British should be divided by 100, before one could make a comparison of the valour of the English and the Boer soldier. England did not look forward to a war. Then why did the Transvaal buy its artillery long before the Jameson Raid, and prepare for war, if not in order to fight against England, whose suzerainty over the republic existed then *de jure* and *de facto*, considering that Krüger, even if he did not sign the petition for annexation, accepted, at all events, office under the English Government and the Queen? In Finland or Poland such things would be called high treason; in the Transvaal they are called wisdom, diplomacy, or cunning. If Krüger should be the victor, his rebellion would, no doubt, cease to be rebellion, and it is not difficult to guess from what country the first envoys and Grand Crosses would be sent to Pretoria. Whether commerce would then find the same "open door" in Africa as now, is another question.

On what then is the claim of England founded, of exercising suzerainty in South Africa as far as the 25th degree of south latitude? It is founded, as are the rights of most of the European States, on the Congress of Vienna, and the treaties concluded about the same time. Republicans may smile at the Congress of Vienna, and at all treaties, but with this smile many things would be destroyed, which even Anarchists

\* For more details, see Martineau's "Transvaal Trouble," p. 20.

would part with unwillingly. The coast of South Africa was discovered and annexed step by step by the Portuguese, Dutch and English. I only mention this as explaining the rivalry and hatred which has existed, and still exists, between the Dutch and the English in South Africa. In 1689 a strong immigration of French (Huguenots) took place, and these from the first inclined more to the pious Dutch than to the English. The Dutch East India Company laid claim at that time to the supremacy over all settlers in South Africa, and was often involved in contests with the black natives. But at that time there was hardly any idea of a political development of these settlements. The Dutch lived a free, unmolested life on their farms, and defended their possessions by their own prowess against black and white neighbours alike.

But for our purpose these are pre-historic things which can have no legal value. The first time that these South African possessions formed a subject for international conventions was in the year 1814, the time of the Congress of Vienna. At that date, after many a bloody conflict, the map of Europe, and indeed of all quarters of the globe, was rearranged, and the Great Powers had no hesitation in giving up the Dutch acquisitions in South Africa to England; whilst neither Holland, which at that time had almost ceased to exist, nor any other State, made any real objection to the arrangement. At all events statesmen have here the first binding international contract by which the suzerainty of England in South Africa was recognised, for which, however, she had to make territorial cessions, and to pay, what was in those days, a very considerable sum of money. Such facts can be ignored, but are not easily disproved.

This state of things remained and continued as the foundation on which all later treaties were grounded. That the English *employés* at the Cape were not always the best, that they, at times, in suppressing local disturbances acted

against right and humanity, who could doubt, when one remembers the sad events in certain German colonies in Africa? The hanging of five Boers in 1815, after the battle of Schlagter's Nek, has always remained in the memory of the Boers; whilst their own misdeeds, as the cold-blooded murder of Captain John Elliot, a cousin of mine, have long been forgotten, and never revenged.

In 1834 a new apple of discord fell between the English and Boers. The English, as is well known, had, at an immense cost of money and men, established the emancipation of all slaves throughout their Empire. This naturally applied to all English colonies. The Boers, however, carried on their field work mostly through black slaves, whom they ill-treated terribly. As English subjects they had, of course, to emancipate their slaves, but received compensation in money, which, as in the other English colonies, was not considered sufficient. The discontented Boers therefore trekked in 1836 from the Cape towards the country now called Natal. They could, or would not, live without slave labour and slave traffic. This trek entailed much suffering, and one of those who lived through that terrible time was the much talked of Paul Krüger. Notwithstanding this exodus the English Government continued to regard the emigrants in the Republic of Natalia as English subjects, to whom the laws against slavery still applied. The new Republic of Natalia rebelled, and vigorous measures became necessary. Natalia was subdued, and remained afterwards under direct English authority. This led to a second migration of the Boers, and a great number wandered further towards the Orange River. This was in 1845, and as a question of international law might be quite in order, but naturally made more bad blood between the Boers and the English. The Boers were exposed to terrible conflicts, as for instance with the Matabeles under Mohalikatse, and in 1848 the English Government took

possession of the whole Orange River State, as since the time of the Congress of Vienna the land south of the 25th degree had always belonged to England, and the Boers could never have founded there a sovereign state. This so embittered the Boers that when later a new war broke out with the Basutos the Boers beyond the Vaal River joined the blacks against the English. In 1852, however, the so-called Sand River Convention was signed, by which the English gave up all right to interfere in the internal (not the external) affairs of the Republic, with which they had never concerned themselves much; but the suzerainty of England was preserved, inasmuch as the Boers might keep no slaves nor carry on any slave trade. This applied to the Orange River State, and clearly showed the English principle of giving to the Republics, as to all English colonies, all liberty of self-government, but allowing no doubt to exist as to the suzerainty of England. And this happened for good reasons. The Boers, under Burgers, had, on account of their cruelties to the blacks, been attacked by the Zulus, under Cetywayo. I need not enter into all the particulars. They may be read in such books as "Great Britain and the Dutch Republics" (3d.), or "The Transvaal Trouble: How it Arose," by Martineau (1s.). And as they had no army, nor could pay their debts, they were very willing to allow themselves to be defended by English soldiers and saved from financial ruin by English gold. The Zulus, under Cetywayo, were subdued by England, at great cost in men, and six millions sterling in money. All this is now forgotten, and even denied in the teeth of history. A repetition of such things was naturally not to be tolerated. The Boers themselves saw this; even Krüger, it is said, agreed with Sir Theophilus Shepstone. England simply reserved the right to defend the Boers from the natives, and to bring their finances into order. Their Treasury possessed then about 12s. 6d., and there were large debts. If that is

not suzerainty, what is it? But the Boers soon became discontented. They kept their slaves, whom they called apprentices; they declared themselves free from the convention made with Sir Theophilus Shepstone, and pronounced their sovereign independence under the triumvirate of Pretorius, Krüger and Joubert. Then came the rising against the small English garrison, ending with the defeat at Majuba Hill. Was it from want of courage, or from his principle of granting to the colonies the utmost possible independence, at all events, Gladstone, who was then Prime Minister, made the great mistake of negotiating after a defeat with an arrogant enemy, and in 1881 the so-called independence of the Republic was recognised by England. This contract, however, was not simply concluded by a generous or a despondent statesman by word of mouth or by letter, but the most important clauses were settled by agreement. In order to keep the stubborn Boers quiet in future, that is to prevent their destruction, as by Cetywayo and by bankruptcy, it was agreed that all diplomatic transactions should be carried out for the Republics by English statesmen, that slavery should never be re-introduced, that all religions should have like recognition, and that English troops should at any time be free to march through the Republics. Is not that suzerainty?

Such stipulations were absolutely necessary in order to keep peace in South Africa between the whites and blacks. That the Boers, and even Krüger, were apparently delighted with this Convention of 1881, proves at least that they acknowledged the suzerainty of England. They would never have accepted such stipulations from either Germany or France. Much has been said about the meaning of the word suzerainty, and the independence granted to the Transvaal Republic, but what signifies the mere word when such stipulations can be made as England made in 1881?



England does not care for too much government interference, but she must ensure peace in South Africa, especially as the discovery of gold and diamonds attracted an ever-increasing crowd of foreign labourers and speculators to South Africa. England laid so little stress on the word suzerainty that Lord Derby did not repeat it. Let the word go, he said. We have the thing, namely, that the Republic could make no treaty with Foreign Powers, not even with natives, without the sanction of the Queen of England. In the same way paragraphs were introduced on slavery, and traffic in slaves, on the rights of the natives, and of the newly-arrived foreigners. The last clauses, Article XIV., were of special consequence; but even had they not been there, England could never have made or allowed an exception for the African colonies, so that in these colonies the immigrants could be worse treated than in all other English colonies. A German settler in any English colony has the same rights there as all other colonists. For a time the Boers appeared to be more than content with the Convention of 1884. After a time, however, they endeavoured, in defiance of the convention,\* to extend their territory on all sides, and in other points, too, they tried to break and did break the conditions of that convention. They treated the Uitlanders as it seemed good to them, and as if they had less right than the earlier colonists. In 1884 the Uitlanders had the franchise after one year, later on after five, but at last only after fourteen years. The enormous revenue of the Republic, which they mainly owed to the Uitlanders, was spent on preparations for war, and in other ways, and this at a time when no war had been declared between the Boers and the English. Even that truly Quixotic attempt of Jameson was entirely due, in my opinion, to the shameful government of the Republic.† The

\* See R. Toggenburger, "Die Ursachen des Transvaal Krieges," p. 14.

† Toggenburger, l.c., p. 19.

Uitlanders in Johannesburg had been forced by oppression into conspiracy and rebellion. No one can defend such conspiracy and rebellion, still less the invitation of foreign troops. But when, on the other hand, we consider the conspiracy of the Transvaal Republic, and their long and carefully concealed preparations for war, one can understand the Jameson raid better; though it be only like the attempt of a goat to stop an express train. That the English Government was implicated in such a silly raid has been often said, but has never been proved; and anyone who knows Lord Salisbury and his antecedents knows that such a charge is absolutely inconceivable. The suspicion that has fallen on Chamberlain is certainly very unfortunate; but let people only bring forward facts, and his justification will not long be waited for. At all events, Krüger's assertion that the armaments in the Republic only began after the Jameson raid, is simply childish, for the state-expenses are before us; and we know well, when and where the guns were ordered and paid for.

The best proof that the English nation had no wish for war with the Transvaal lies in the fact of her entire unpreparedness for war. England's garrisons, even when reinforced, were for defence, not for offence. One hoped to the last for reason and peace. And who declared war? Who made the first raid on English territory, if not the Boers? Was England to beg pardon for asserting her old suzerainty? Was she to allow the Boers to keep slaves, or so-called apprentices, to wage war with the natives, and to treat the new colonists as if they were helots? That is not the English idea of founding and ruling a colony; and that England understands how to rule her colonies is proved now by the devotion with which the hearts of all her colonies turn to the mother country. One must, of course, allow that there are Boers and Boers. The Boers who are settled on the land may be people who fear God and the law. But those who,

with Krüger, stand at the head of the Government, the Hollanders who live on the millions of the Republic, deserve no sympathy, least of all in Germany. Only when they have been driven out of Africa will a time of peace and blessing begin for the Cape Colonies, such as existed after 1877, under English rule. When was the Transvaal ever independent of England, more than other English colonies?

When people really understand the political rights as between England and the Transvaal Republic, which are persistently distorted and ignored by paid advocates, they will soon cease to talk of English greed for land and gold. England has land enough and to spare, but her position in South Africa has its duties also. England can give up the Ionian Islands, and even Heligoland and Samoa, without fighting. But she can retire from South Africa as little as from India. To yield to the Boers and Hollanders the position England has till now held in South Africa, would be as much of an anachronism as if one desired to impose Australia, once New Holland, on the Queen of the Netherlands. History goes forward, not backward. Each nation fulfils its task, and Holland has richly fulfilled hers. She still has, I believe, the largest colonies, next to England. But the present, and, let us hope, a long future also, belongs now to England.

These are the simple historical facts, which are readily accessible to every one who can read English. What is the meaning then, if people want to make England responsible for the Jameson raid, which was as great a surprise to most Englishmen as to people in Germany. England and its Ministers have not yet sunk so low as to allow themselves to be treated like a band of robbers. In great questions the Queen has more influence than is generally imagined, and does Germany wish here to follow the French, and vilify the Grandmother of their own Emperor, the English Lady *par excellence*? I have purposely avoided the most recent

questions. I only cared to show historically how the Boers and Hollanders, ever since the Congress of Vienna, have been under English dominion, and how even their constantly repeated attempts since 1884 to wring new concessions from England, or to free themselves from English slavery, make it perfectly clear that England possessed supreme authority in South Africa, and was alone in a position to grant or deny concessions. So far logic is valid for political questions also. The rising of the Boers is simply a rebellion. That the Boer, in the long run cannot resist a Power like England is pretty clear, even to those who have no military knowledge. But wherever the might may lie, on whatever side the weight of the sword may sink the scale, the right remains unaffected. Possibly the *victrix causa* may please the gods, but the conquered pleases Cato, and such Catos are not wanting, as I see, even in Germany. For those who have watched as long as I have the course of events in the world, right is more than might. England has many enemies and enviers, this last war has clearly shown this; but England has friends too, and in places where they are least expected, and that in Germany also. But come what may, defeat or victory, England can always say with pride, "Many enemies, much honour!"

F. MAX MÜLLER.

OXFORD, *February 24th*, 1900.

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THEODORE MOMMSEN'S REJOINDER TO MAX  
MÜLLER'S LETTER.

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YOU wish for an expression of my opinion on the remarks by Max Müller, in the last number of the *Deutsche Revue*,

with regard to the feelings and ill-feelings towards England in Germany, called forth by the Transvaal war. He who, even as an Englishman, has never severed the bonds with his old country, and who has faithfully and manfully defended the interests of Germany in England, in grave conflicts against public opinion, has certainly a right to be heard by us with due attention and respect, now when he is defending England against public opinion in Germany. But on this side of the Channel few will agree with him when he asserts that the English Government and the English people — he identifies both—are perfectly right in this conflict. If we “cry out” we do not cry out as “echoing the French”; we Germans feel there is a crying wrong.

The Transvaal war is one of the strangest, as well as one of the saddest, known to history. The old, obstinate, religious-political fanaticism is struggling, in this forgotten and lost remnant of the Cape-Dutch, with modern civilisation, based on a not less fanatical desire of exploiting the whole world. However light and shadow are distributed over the politico-military events, certain it is that two views of the world are here in conflict—the battle is being waged, so to speak, between the 16th and 20th centuries. In view of the tragedy of this conflict, it is not easy to understand the light-heartedness of Max Müller's explanations.

In one point we must agree with him, that the two Republics are *de facto* dependent on the English right of protection. An effective independence cannot exist for these relatively small territories, cut off from the sea by English pressure; and the English sovereignty or suzerainty is, at least for us foreigners, little more than a dispute about a word. It is true that England has, by convention, secured to the two Republics a lawful position far beyond the rights of all self-governing colonial territories; has ceded to them entire, or as good as entire, formal independence; has made

treaties with them as between two Powers, and has herself fostered in them the conviction of chartered independence, which the stronger Power was in honour bound to respect. It will not be denied, even in England, that the treatment of these territories by the English Government was a display of incapacity and inconsistency; as so often, so here too, human perversity has done far more mischief than human depravity. After the Boers, in 1836, had left the immediate neighbourhood of the English colony, and departed with wives, children and cattle, like the children of Israel before them, and soon afterwards had been forced away from the seashore by the English occupation of Natal, English politics with regard to South Africa were essentially in a state of indifference. "These miserable colonies," as Disraeli said, "will be independent in a few years, but they hang round our neck like millstones." True, these territories have for long decennia stood in practical dependence on England, and in the difficulties of their finances and their fights with the natives have been nothing but a burden and a misfortune to England.

But this careless indifference was not to be of long duration. When Lord Salisbury says: "England desires neither gold nor land," we listen respectfully, but faith is wanting. After the discovery of the diamond fields of Kimberley, this piece of land, in spite of the decision of appointed arbitrators, was torn away from the Southern Republic in 1876, and added to the English territory, an event which was never forgotten in South Africa, and the consequences of which, as applied to the gold mines of Johannesburg, the Boers were naturally inclined to fear. In course of time, plans, somewhat fantastic, but certainly grand and important, were developed, changing Africa, from the Cape to the Nile, into an integral portion of the Greater Britain of the future. It cannot be denied that England

thereby got into a difficult position with regard to the two small Dutch Republics, nor should it be ignored that the most northern of these colonies did not sufficiently appreciate the immense problem with which their government had to deal after the discovery of the gold mines, and the overwhelming English immigration of the people of Johannesburg. Gold fever and race conflict followed. It is by no means mere invention to say that the claims of the immigrants, though not recognised by treaties, yet founded in the matter itself, were pushed aside and despised by the Transvaal Government, formally independent as it may have been in these matters. We also know the difficulties prepared for the paramount nation by territories which do not belong to it. Such circumstances lead almost inevitably either to public concessions or to tyrannical injustice. It would be more than reckless to try to decide how far the excesses of the paramount Power, or the wilfulness of the smaller state, have contributed to this. Faults on both sides have surely not been wanting. As to us Germans, we have learnt little about these matters, and as far as my memory reaches they have not influenced the relations of the two nations. England must settle affairs with her Celts, and French, and Dutch, and Hindus, as we must with our Poles and Danes. These are important internal questions with which no stranger has to interfere, and in this case we have never done it.

But there appeared suddenly on the scene Cecil Rhodes, Jameson, and Chamberlain. Though it is never a clean business to govern strange peoples, and things cannot always go on as they ought; still not everything is permissible. There are scenes which revolt the moral sense of the whole civilised world, and on which the highest tribunal in the world, the public opinion of men of honour of all nations, sits in judgment and condemns. This tribunal has no executive, and its

judgment may be treated as sentimental politics, but it is not pity that determines its sentence, but the sense of right. Unfortunately in the last years we have had to witness such events; there are even names of persons and of races of which one cannot speak without feeling ashamed of the century in which we live. We, more particularly, who know what England signifies to the world, and what we Germans have owed to her, and still owe, we to whom abuse of Britain seems as absurd as contemptible, to us it is particularly hard that among these names English names also are found at present. If Max Müller asks since when the Germans cry out, we answer with the name of Jameson, the insignificant puppet whose name is the evil genius of England.

It is to me perfectly inconceivable how Max Müller pushes aside with so much ease what is essential, while he appeals to the public opinion of Germany. I shall not answer him; but the author of the "Impressions of South Africa," one of those who knows these matters best, and has every right to speak. I give the words of James Bryce.

Max Müller says that the Uitlanders had been driven by force into conspiracy and rebellion. Bryce explains that the English Government had no right to interfere with the limitation of the vote of the immigrants, this being a question of internal government (p. xxiv.). That in this sense the English demand was a breach of existing treaties (p. xxx.); and that such a demand, justified in itself, would have been fulfilled by itself, if people had only waited, while in the meantime the life and property of the Uitlanders in the Transvaal were secure, and no one prevented them from enjoying their life and growing rich (pp. xvi.—xxiii.). It seems strange that such circumstances should, in the eyes of the peaceful professor at Oxford, justify a rebellion and armed invasion, or even excuse it. "The quixotic raid of Jameson," he says, "is due entirely, according to my opinion, to the



infamous government of the Republic." There are in Germany and also in England not a few who imagine they have not their proper vote. Should they be allowed to mobilise soldiers in a neighbouring state, and thus help every body to his rights?

"That the English Government had any part in so absurd a raid has been said, but never proved; and whoever knows Lord Salisbury and his antecedents knows that such a charge cannot even be imagined." Bryce, however, remarks (p. xxv.), "In the Jameson raid English officers and troops under the English flag, if not England itself, have done the mischief." Everybody will readily admit that Lord Salisbury is properly exempted, but the amiable belief of the Oxford professor that Jameson was only a common footpad, will not be shared by many in England, certainly not by those who weigh the later course of things—the purely nominal punishment of those directly concerned in the raid, the careful prevention of any explanation of its origin, the Parliamentary Commission to investigate what was not to be investigated, and many other things, still fresh in our memory. "The suspicion which has fallen on Chamberlain is, no doubt, much to be regretted; but let people only bring their charges, and the justification will not be long delayed." As far as I know people have been waiting for it for five years, and during that time there has been no lack of charges. But it is really a *naive* demand that those who find fault should specify their charges.(?) Max Müller's own regret proves clearly enough how well founded the suspicion of his guilt is; and it would have been the duty of the English Government, and particularly of the English Parliament, to produce for people at home and abroad a full justification, and if that was impossible, to punish the guilty criminally, and before all things politically. In this way alone they would have cleared themselves from being accessory to the fact. Max Müller's regret is indeed to be regretted.

"The English people," he says, "have not wished for a war with the Transvaal Republic." The people certainly not, neither the representatives at the Cape or in Natal; but the Government has certainly wished for it. "Who declared war? who made the first raid on English territory if not the Boers?" Bryce says (p. xxxiii.): "The British Government has strengthened the garrisons in South Africa ever since the middle of July; the English papers chronicled the sending of one division of troops after another with strong emphasis. In the first days of October the reserves were called out, and the sending of a strong army was announced." On October 9th the Transvaal declared war. Nothing more need be said. But we must not forget that the English Government had decided on war without a sufficient ground, according to the law of nations. Now Bryce says (p. xxxiv.): "The English Government, by putting forward the question of the vote and supporting it by various demonstrations, which called its enemies to arms, placed itself in the position of having begun a war without a *casus belli*, and of having exposed itself to the condemnation of other nations. It brought on the war without being able to justify it, without being able to produce a ground, as demanded by civilised states."

"That England did not wish for war," Max Müller continues, "is shown by its unpreparedness"; and he goes on to say that the Boers had for years, and long before Jameson's raid, prepared themselves for war; had fortified Pretoria, and made large purchases of guns. That is true, but it could not be otherwise. "It is a fact," says Bryce (p. xxviii.), "and really the root of the whole matter, that the Boers considered the behaviour of the English as a system of violence and untruthfulness." He then shows what good ground they had for it, and continues: "Since the inroad of December, 1895, they have become more suspicious than ever, and believe that the British Government had a hand in it, and that influential

financiers had been weaving intrigues against them." Were they mistaken? The fanatical love of liberty and the fanatical trust in the Lord of Hosts have thrust the arms into the hands of the Dutch. Both may be called absurd, but it is blasphemy to call this rising an offensive war. The English Government was not unprepared for war, but only for its immediate outbreak and of its power. The first months showed, besides their political, their military inferiority. That the "Lady *par excellence*," as Max Müller calls her, and every German with him, governs, cannot change this inferiority.

The fate of the Boers seems to us in Germany sealed. We are accustomed to have to witness misfortunes without being able to help. We understand perfectly that the English nation wishes, and must wish, that in their colonies the English element should prevail, and that it hopes to attain this result by the South African war. We by no means think that our own interests are in any way injured or endangered by it. Intelligent Germans, at least, acknowledge fully that the greatness and power of England are a vital question for the position of Germany in the world, however much Englishmen may caricature Germany and Germans. But we held and hold the opinion that Jameson was a criminal of a lower class, and that his accomplices in higher ranks have remained unpunished and influential. To decline to draw advantage from crimes, if the advantage accrues not to one's own person, but to the state, would occur to few, or to quixotic heads only. Numberless Englishmen, who would have shuddered at taking part in the deed, consider the war and the gain from it as a windfall for England. Are they right? Who will prophecy that the Dutch South Africans, when brought into closer relations with the chief country, will gratefully receive the blessings of modern civilisation, or will follow the ways of the Irish?

But whatever the future may have in store, one thing is certain, in the present and for the future, that in the glorious history of England a new leaf will be turned, the performance of the hangman's duty on the belated but like-minded imitators of Wilhelm Tell.

THEODORE MOMMSEN.

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### MAX MÜLLER'S SECOND LETTER

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I HAVE no right to complain of the reception which my article in the *Deutsche Revue*, on the legal question between England and the Transvaal Republic, has met with in Germany, more particularly with such men as Mommsen. There has been, of course, no lack of anonymous abuse, but who cares for things so vulgar and so cowardly? All, however, who were not afraid of giving their names, though they have expressed their different views plainly and clearly, have, at all events, never questioned my honesty. If they had perceived the object of my article more perfectly, they would perhaps have been even less surprised at my standing in this matter so entirely on the English side.

What interests me most in all things, whether in irregular verbs or in irregular myths, is their genesis, and thus it happened quite naturally that, in regard to the sovereignty or suzerainty of England over the Transvaal Republic also, my first question was, How did this suzerainty come to be? One might go back very far indeed, but as the Congress of Vienna, and the treaties made in the years 1813 and 1814, under its auspices, form generally the foundation of international law within and without Europe, I did not think

it necessary to go beyond the year 1814. Beginning with this year, no one has ever doubted the suzerainty of England in South Africa; what has been doubted is the extension of that suzerainty to the 25th degree of south latitude. And why? Because, if so, the German acquisitions, on the west coast of Africa, would stand under English suzerainty. How that would follow is not quite clear to me. At all events, *volenti non fit injuria*, and England has recognised once for all Namaqua and Damaraland as German acquisitions. But the statesmen, too, of the time of the Vienna Congress were not so stupid as not to know right from left, or west from east. No one thought at that time of Western Africa; it was no man's land; and even Germany would probably, at that time, have declined with thanks such a possession. But now, let us suppose for argument's sake, that the eastern part of South Africa had been ceded, at the time of the Vienna Congress, to Holland or Germany, and this for a payment of a large sum, and for the surrender of other territorial claims, would Holland or Germany have put aside, at the present moment, such a title as antiquated and rusty? I have not entered into all the details of the transaction, for it is well known that there was, first of all, a treaty with Sweden, of March 3rd, 1813, by which England ceded the West Indian Island of Guadeloupe to Sweden, and this for certain advantages which that country allowed to England, in its own harbours. Afterwards, however, in the Peace of Paris, May 30th, 1814, it was settled that Guadeloupe should go back to France. For this Sweden asked a compensation of one million sterling, and it was agreed that this million should be made good by Holland with colonies then occupied by England, with a recognition, at the same time, of the incorporation of the Belgian Provinces with Holland. At that time England not only took upon herself this compensation for Holland,

but paid down two millions sterling for fortifications in Holland; nay, undertook also to pay three millions for the benefit of the new kingdom of Holland and Belgium. For all this England demanded and received both the Cape and British Guiana. The treaty between England and the Netherlands was signed on August 13th, 1814, and on the same day the treaty also between England and Sweden. I refer those who do not know these things to Lucas's "Historical Geography of the British Colonies," published by the University of Oxford, in 1898, that is long before the outbreak of the war. Thus it is clear that England had paid six millions sterling for its annexations in South Africa, and had given up other territories; and its rights were recognised without hesitation by the Great Powers, represented at the Congress of Vienna.

But whence the 25th degree? It was simply the frontier line towards the Portuguese possessions; and as it was not a straight line it was afterwards defined more in detail. And thus it has always remained—direct sovereignty of England over the Cape and Natal, protectorate in the Native States, and what is now called sphere of influence as far as the 25th degree. If people are still unconvinced, let them read the Cape of Good Hope Punishments Act of 1836, which makes every crime committed by a white man, and therefore by a Boer also, from the 25th degree, cognisable and punishable in the Courts of the Cape.\* Why from the 25th degree, and not from the 24th? The Boers knew this perfectly well, and at the time of the great trek they were distinctly told that if they settled on English territory they would remain as before under English sovereignty. (For further details, *see* "Great Britain and the Dutch Republics," 1900, p. 9). So much on the origin and the historical development of English sovereignty or suzerainty in South Africa and the curious mention of the 25th degree.

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\* Lucas, l. c., vol. iv., p. 200.

The historical genesis is remarkable, but it has never been called in question by anybody.

But what is the meaning of that fearful sovereignty against which the Boers are protesting now so vociferously? It is the same sovereignty, or rather the same freedom, which is enjoyed by all English colonies. England protects all her colonies to the last drop of her blood, and in return asks for nothing but that the colonies should conclude no treaties with other Powers, that they should keep no slaves, and they should treat all colonists in this or that colony as enjoying equal rights. If Canada, the West Indian Colonies, the Colonies of Australia and of West Africa, if Malta, Gibraltar, Cyprus and Ceylon, and even St. Helena, are satisfied with this desperate yoke of English sovereignty, why not the Boers, who even enjoy greater privileges than they do? May it not be asked, *mutatis mutandis*, whether Saxony, Bavaria, Würtemberg, Alsace-Lorraine, nay, even my own Anhalt, enjoy greater liberty with regard to Germany, than the colonies with regard to England? Are they allowed to conclude treaties, to keep slaves, and to treat emigrants from Prussia as without political rights? Are they allowed to tax them without giving them the suffrage? Let people reflect but a minute, and they will see that the fate of the genuine peaceful agricultural Boers is by no means unbearable. If a German settles in New Zealand and pays taxes, he enjoys the same rights there as an Englishman; why not in Pretoria? It cannot be said too often, that the Transvaal has never been a sovereign state, and never free from English suzerainty, though always protected by England. Then what is the meaning of the present struggle? It may be called war, and, as far as belligerent rights go, has been called so; but it is simply rebellion, which in other countries would have been punished very differently from what it has been in the Transvaal.

I quote here from an article in the February number of

*Harper's Magazine*, written by Mr. Poulteney Bigelow, no hater of Germany: "A German merchant," he says, "who had been many years established at Hong Kong, said to me a few days ago, 'I am a German, and love my fatherland, but I could not imagine a greater misfortune for the Germans in China than for Hong Kong to become the property of Germany. Under the British flag I have personal liberty, quite the same as any Englishman. If to-morrow the German flag should float over Hong Kong, I should emigrate at once'" And this is what German papers call slavery, which no German would endure.

It stands to reason that as soon as the Transvaal Republic resorted to violence and took up arms, all conventions came to an end; and the question was no longer who had the first right, but who possessed the greater might. It is quite possible that the Boers, if they cannot trek into Portuguese possessions, may simply migrate into Namaqua or Damara-land, and there establish their republics under German sovereignty. The English would not object; and the Boers would soon see whether they would be allowed to conclude treaties, to quarrel with the natives, and to treat later German colonists as outlaws. It requires little imagination to conceive such a state of things, and it will then be easier to understand what the English situation has been. Would it have been possible for any English Ministry to concede the Boer claims? Are not the Ministers the counsel and guardians of the people, and could they have surrendered what was inherited property, and under present circumstances even more important for England than formerly?

England has large political plans for the whole of Africa, and therefore for South Africa also. Mommsen is quite right when he says: "In course of time, plans, somewhat fantastic, but certainly grand and important, were developed, of changing Africa, from the Cape to the Nile, into an



integral portion of the Greater Britain of the future." Could England allow a turnpike to be erected which did not exist formerly, and which would have barred all plans for the future?

But enough of these purely historical matters. They are or ought to be known to everybody, and I have nothing new to add to them. I am delighted, of course, that Mommsen has nothing to say against any one of these matters of fact, and I cannot be sufficiently grateful to him that all he has to say was said in a thoroughly scientific and quiet tone. He confirms what I had said, "that these territories (of the Boers) have for long decennia stood in practical dependence on England, and in the distresses of their finances and their fights with the natives have been nothing but a burden and misfortune to England." That during these decennia, in the conflict of interests, there have been sins on both sides, I gladly concede to Mommsen, as he concedes to me that awkward things have happened in Schleswig and Poland, nay, even in German colonies. Pharisaism would be out of place here, and is not at all in accordance with the German character.

The tearing off of the diamond fields of Kimberley from the Southern Republic was, it seems, an act of violence, but so was the attack, near Brankhurst Spruit, on Colonel Anstruther, before he knew of actual war, and the massacring of his whole troop (*see* "Last Boer War," pp. 125, 131), and afterwards the assassination of Captain Elliot, which was, no doubt, a deed worthy of a hangman or assassin. ("Transvaal from Within," p. 28.) In judging of such conflicts I quite agree with Mommsen, who reminds his countrymen of Poles and Danes, when the English are blamed for their behaviour towards Irish, Dutch, Indians or Egyptians. Nothing can be more just and more worthy of the historian than his judgment on these matters.

But when afterwards he gives his judgment of Cecil Rhodes, Jameson and Chamberlain, I say, for my own part, I am silent, and do not judge these men till an accusation has been formulated and their defence has been heard. I should never say that it was *naïve* to demand that those who find fault, should specify their charges. I should call such a proceeding by a very different name. As I said before: "It was with deliberate intention that I did not speak of the most recent events." Here sentiment comes in, and has a perfect right to be heard, as long as it is historical and not hysterical. What Mommsen says about Jameson agrees with what I have always felt myself; and that he was not punished more severely by the English Government has always been a surprise and disappointment to me. And in this I stand by no means alone in England, a country where every man can pronounce his convictions, unconcerned about the attacks of the newspapers. But, however Jameson may have sinned, the Boers had sinned quite as much against the new colonists, the so-called Uitlanders; nay, I say it once more, they have systematically provoked the conspiracy, and even the raid. Let people consult on this the book of Mrs. Lionel Phillips, the wife of one condemned to death, an Uitlander, but a gentleman. Her testimony on this rebellion is far more direct and circumstantial than that of Mr. Bryce. In all these matters my own moral feeling agrees very much with Mommsen's. With regard to Chamberlain, I wait. This man has done so much of what is public-spirited and good, that he could not all at once have become so very bad. Much has been said about the Colonial Office, and much more will be said. Such matters sleep for a time, particularly at present, when England has so much to think of, and to do. But Mommsen may be certain that in England, which has a real Parliament, they are never forgotten altogether.

My impression, I can say no more, is that Chamberlain will come out perfectly justified, even if other members of the Colonial Office should not come out with flying colours; and even Mommsen would not maintain that there are no black sheep in Germany, particularly in the *Haute finance*.

I have often been blamed for having uttered a suspicion that the Boers had armed before the Jameson raid, but Mr. Bryce admits it in so many words, and Mommsen likewise. I could cite more proofs, but for shortness' sake I refer to FitzPatrick, "The Transvaal from Within," March, 1900, pp. 10-11.

Finally there comes the question, Was the war justified? I, in my own heart, am convinced that no war is ever justified, even when it seems inevitable. After Bismarck has told us how he managed the declaration of war, even Mommsen, I believe, as an historian, would not have considered the Franco-German war as justified. But who was it who declared war at that time? Who shrieked "*à Berlin*"? True, England may have exhorted the Boers very seriously to fulfil the promises made by them in the year 1884, with regard to equality of rights for the Uitlanders; and when these and other promises were openly broken, the English, no doubt, possessed the right to use force, though they did not. But who used force and declared war? Who invaded English territory with fire and sword? It was not the English, but the Dutch; and were the English to hesitate any longer, were they not allowed to defend their colonies as they were bound in honour? Would Bismarck, under such circumstances, have hesitated? Even arbitration was impossible, for thereby the suzerainty of England would have been surrendered, and the rebellion of the Boers would have become a war between equal sovereign states. Would rebellion in Elsass or Finland be submitted to arbitration?

Mommsen seems to believe that his simple question

could prove his assertion, that England bears the guilt of the war. In a letter to Professor Sonnenschein, he says: "Do you seriously believe that a people like the Boers wish to carry on a war of conquest against the British Empire?" It sounds incredible, but it is, nevertheless, an historical fact. With the help of the Afrikander Bond, founded by Du Toit, in 1881, the Boers hoped to sweep the English into the sea, and made, indeed, no secret of their hope. Nay, if one considers the events of the present war, their plans were by no means "entirely quixotic." Mere astonishment and questions are of no avail here. We must open the documents and read.

The Boers cried "to Kapstadt," as the French screamed "*à Berlin*," and yet a defensive war against such insults and acts of violence which followed is called by Mommsen "criminal and an infamy." I can only say, I am sorry for him, and he will be sorry himself for having used such words.

And yet Mommsen is sorry for me that I did not sign a petition for stopping the war as quickly as possible. First, that petition never reached me. Secondly, I should never have signed it, for after war has once broken out, every subject stands silent by his colours: "My country, right or wrong." No German would have petitioned for stopping the war, because Bismarck's despatch to the Emperor did not quite agree with Abeken's despatch. No doubt every Englishman has the right to petition and to utter his opinion. There are different opinions in England, and there are different opinions outside. Italy is rational, with the exception of the Jesuits. Switzerland is rational, as shown by the excellent pamphlets of Professors Naville, Petavel and M. R. Toggenburger. Hungary, nay Austria, is rational, and even France can be rational, as shown by the papers of Villarais, Bonnard and Talliches. I cannot agree, therefore, with

Mommsen, when in his letter to Professor Sonnenschein he says: "Outside of England not a single voice has been raised in defence of your South African letter."

I believe, however, there are hardly two old professors who in their opinions on this war, and on other historical evidence, agree as much as Professor Mommsen and myself. I consider this an honour, and if Mommsen is sorry for me, I can only return the compliment, but hope he may never discover in my political, moral and scientific opinions anything to justify his disapproval. If here and there we differ from each other, it should always be in the true English spirit of "Let us agree to differ."

With a man such as Mommsen, with a true historian, it is a real treat to come to a mutual understanding; he, like myself, would, even in the fight between David and Goliath, try to find out first on which side there was the right, on the side of the Jew or on that of the Philistine. I confess it was formerly quite unintelligible to me how so many of my German friends would simply repeat the story of the sufferings of the Boers, as told by Dr. Leyds and his subsidised party. I don't waste a word on certain German and French newspapers. I know very well which papers have preserved their love of truth, and their independence. Bismarck himself and his little Busch have sufficiently enlightened us on what was called "the happy family of the reptiles"; and no one will ever think of coming to an understanding with these anonymous reptiles (I use Bismarck's own somewhat strong terminology), or to defend himself against their venomous stings. I only wonder that they have not vomited even sharper poison against me, though one of my anonymous correspondents expressed a wish to see me hanging on the gallows between Rhodes and Chamberlain, as the thieves on the right-hand and the left! That a man like Mommsen had apparently become an Anglophobe, I could not believe, and

never shall. On the contrary, his view of the Boer question, little as I can agree with it, has certainly made many things in the letters of my German friends intelligible to me. I understand their mistakes, and to understand is often to forgive. They evidently thought that England wished to subdue a weak nation and to enslave a free Republic. That would indeed have been a wonderful achievement for England, for the Transvaal Republic has always belonged to England, and has in fact grown up on English soil; and if England really wished to enslave the Transvaal Republic, how grateful every people might be, if it were reduced to such slavery as the Boers suffered under English sovereignty. No land in Europe or Asia enjoys such perfect slavery, *i.e.*, government, as an English colony. It was the Boers who treated the blacks as slaves, or so-called apprentices, and the white settlers as outlaws and Uitlanders. It was against this that England protested, insisting on the fulfilment of the paragraphs in all the conventions. Many a German, too, has been treated by the government in Pretoria as having no rights. Why will not people read the works of Rider Haggard, FitzPatrick, and Mrs. Lionel Phillips? or, if all these seem to be too dry, even the charming novel "Jess" by Rider Haggard, who has lived so long in the colony. It certainly deserves to be read for its own sake also. England has taken upon herself to protect all her colonies by sea and by land, and therefore the Transvaal Colony also. She has deserved and actually received the thanks of the Boers; nay, Krüger himself entered the service of the Queen of England, after an increase of salary had been granted him. I hope I am not saying anything unjust to him, but the matter itself has been so often repeated and never denied, that we may be allowed to believe it. It is quite possible that the Boers may sweep the English into the sea, but would this alter the matter itself? I mean the question

of right between England and the Transvaal. When Krüger had declared war against his Queen, and had made a raid into her country, what could England do but buckle on her sword? Or was England to follow the Christian command, to offer the other cheek to him who had smitten her on the right cheek? I believe even this England, under Gladstone, would have been ready to do, if only Germany, or any one of the Great Powers had given an example of such practical Christianity. One step had been taken by the Emperor of Russia, and some people say, *ce n'est que le premier pas qui coûte*. The Peace Congress at The Hague will certainly reflect the greatest honour on him in future ages; but would his Minister be able to persuade him to submit to arbitration, in a conflict between Russia and Finland? The massacring of Boers and English seems to the Germans to cry to the skies. Why then did the massacre of the Armenians cry so little to the skies in German ears? And when the whole civilised world protested against the bombardment of Paris, what did Moltke and Bismarck say, nay almost every German statesman, nay every German at home and abroad? They said it must be. War, no doubt, is fearful; and though natural events, such as pestilence and famine, produce the same misery as war, yet the guilt of war does not become less because it seems to some natural and inevitable, like the famine in India, though this also has by some German newspapers been represented as artificially produced by England. Now, think only what it means, that such devils have been the allies of Germany; and if far-seeing statesmen are right, may, according to all appearances, become so again. What can be the use of this lying and abuse? Let us hope for the best, and never forget the brotherhood of Germans and English, and that in the whole course of history Saxons in Germany, and Saxons in England, have never yet crossed swords, or doubted each other's honour.

*P.S.*—Why are the brave English soldiers called *Söld-ner* (hirelings) in German? They receive their pay like all other soldiers, miserable as their *solidus* is, if one thinks what they have to do for it, particularly under inefficient officers. The Englishman serves voluntarily in the army; the German *must* serve. The duty of universal military service has many advantages, but some disadvantages also. As long as there are in England sufficient volunteers, Parliament hesitates to introduce universal military service; but see now how royal princes, dukes, noblemen, millionaires, professors and gentlemen of all kinds, rush to the front and willingly sacrifice their life for their country.

A curious charge was brought against me that I had exaggerated in dithyrambic fashion, the armaments of the English, the Americans having sent their army by sea to the Philippine Islands, and over the same distance. Well, I said 6,000 miles, but from England to the Cape is really more than 6,000 miles. The Americans are said to have sent 60,000 soldiers with ammunition; the English army in South Africa with colonial troops is now estimated at 230,000 men; is that dithyrambic exaggeration?

Count Adelbert Steinberg, who stood or fought on the side of the Boers, writes in the *New York Herald (Times)*, March 28th, 1900: "There is no continental Power that could have transported anything like so large an army over so many thousands of miles; and I can only say that our troops, in spite of their drill and in spite of our rules of war, could not have fought better than the English. I have learnt to admire the English Army, without shutting my eyes to the faults that have been committed."

F. MAX MÜLLER,

OXFORD, *April 5th*, 1900.



## MOMMSEN'S REJOINDER.

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REPLICAS are generally superfluous. This is true in the present case, too, where indifferent and secondary matters have been very fully treated, whereas, in essential matters, the same assertions have been repeated, and objections passed over. Before dinner people read differently. Instead of the assurance that the English Government had done, in every respect, what was right, and Jameson had been a mere Don Quixote, the writer now confesses that it had always grieved him that he had not been severely punished by the English Government. And with regard to Chamberlain, his guilt is only doubtful, because the man who has done so much good could not have, all at once, deteriorated so far. Our Oxford friend, in looking at the question more seriously, and holding back his impulse, nay, who prefers to be silent, and not to act as judge, will, no doubt, receive his well-earned applause. But we must remark that the English Government, and the English Parliament, are hardly the fit judges,\* and the question is not about the very indifferent punishment of the man, but whether a man, whom even his friends did not dare to absolve from complicity in Jameson's misdeed, could remain in office† afterwards, without compromising his country. But let this be as it may, and let the final judgment over the whole matter be reserved to history, so that at present contemporaries may in no wise feel awkward. Max Müller's raid to improve public opinion in Germany must be judged by the public, and, if he is satisfied,‡ no one has anything to say against it.

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\* Who then is to act as judge?

† Who is to dismiss the Colonial Minister?

‡ What more could he expect than Mommsen's own words?

Duplicas are, of course, still more superfluous than replicas. If, nevertheless, I take the pen once more, I do so because, at present, I can clear up far better than formerly an essential, or, more correctly, the cardinal point of the whole question, thanks to communications which have come to me through one of those English newspapers\* which are not carried away by the general war fever, *i.e.*, the *Manchester Guardian*. The Continental public is not able, as it ought, to follow the complicated controversy on the Transvaal question, nor to appreciate the financial bandits, with their high aristocratic following, nor the project of the money lenders as to the slavery of the Kaffirs. (?) But the relatively simple question, which carries the real kernel of the war, How and when the Transvaal Republic came to arm against the English Protectorate, and how far these armaments were defensive or offensive? may be answered with the means now at our disposal.

*The dependence of the Transvaal on England is a fact, confirmed by the existing circumstances even more than by State conventions, and this dependence involved for the governors of the Transvaal duties towards the English power. This must not be forgotten, even if those duties pressed heavily.*

When the Boers left the neighbourhood of the English and imagined they could find a free place beyond the Orange River, the English Government did not omit to make it quite clear to them that even the new territory was English, and they would remain English subjects. This may not have been according to the wishes of the emigrants, *but it was certainly according to the existing international law*, and the Boers had therefore to adapt themselves to what, according to the circumstances, was their inevitable fate. In the Sand River Convention of 1852, which forms the

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\* There are more such papers in England and Scotland and Ireland.

foundation of the legal rights between England and the Transvaal, and was but modified by the Conventions of 1881 and 1884, *British supremacy is secured by treaty as well as the self-government of the Boer country*. If, therefore, our Oxford friend considers the "terrible supremacy of England, against which the Boers protest so vociferously, quite endurable, and the lot of the peacefully disposed Boers by no means intolerable," *no one can contradict him*; only in this case all depends, not on the common sentiment at present prevailing among professors and non-professors, but on the old-fashioned Boers, and on the rights secured to them apart from all sentiment. The war has broken out because the protecting Power interfered with the internal affairs of the Republic.\* The South African Republics have never been blamed for transgressing the limits drawn by the conventions.†

But the armaments?

In the *Manchester Guardian* the following extract from the Transvaal budgets from 1882 (the beginning of the State) till 1898 has been reprinted. It comprises, besides the section of expenses entered as military, the three further divisions of public works, separate payments, and the various services which may include, and actually have included, military expenditure.‡

Up to the year 1894 these expenses, as one sees, keep within very modest limits; in this year, for instance, the really military expenses do not amount to £30,000 sterling, and all the four services together to about half a million.

\* Never actively.

† See on this point the damning evidence in "The British Case Against the Boer Republics," p. 18, *seq.*

‡ I omit the table as difficult to print and well known in England. Professor Mommsen's translation of sundry services by *Sonder Zahlungen* does not seem quite correct. Secret service money is not mentioned naturally.

This agrees with all other statements from the English side on the then condition of the arsenal at Pretoria. As late as October, 1895, Colonel White found there no more than three serviceable cannons and twenty-three Maxims. What was required by the legal relations between England and the Transvaal has been conscientiously kept by the Republic till 1894. (See note before.)

But in the year 1895 all this is changed. The normal height of the expenditure is tripled, and keeps, at least, to that height doubtlessly on account of the armament. From this year forward the Transvaal has armed against England.

Jameson's raid took place in December, 1895; the armaments had begun at least a number of months before, but the raid did not come like lightning from the sky. "The Uitlanders," as A. Marks says in the *Manchester Guardian*, "armed themselves. Even in January, 1895, Lord Gifford, without knowing the object, had made large purchases of arms for the Chartered Company, and during October, November and December large masses of arms were imported for the conspirators."

The fact of this importation must have been known to everybody. Bryce relates that in November they were shown to anybody who wished to see them. Messrs. Rhodes and Beit had opened large special credits to the conspirators, and finally it was found that these credits—in one case for £60,000, in another for £200,000—had been cashed. What was to follow was known months before, not only in Johannesburg, but in Pretoria also.

As a defence against these preparations, large purchases of arms for Pretoria were made in the year 1895; but as it seems in the later months only. Here then is the numerical proof that at that time the Boers, expecting an attack, arrived at the desperate decision, the consequences of which are seen on the present battle fields.

If the English Government had done its duty, and after the British flag had been dishonoured at Krügersdorp had treated those who carried it, and those who instigated them, not with a mild shrugging of the shoulders, as may be quite becoming in a peaceful professor, and had not left them in their powerful position,\* it is not unlikely that in Pretoria also the armaments would have ceased. But as the contrary happened, the Boers prepared themselves for an increased and improved edition of the first raid, and the consequence was the declaration of war on October 9th, 1899. In the presence of such facts, it requires courage to repeat, "who raided the English territory with fire and sword?"†

This must suffice. It is no pleasure to place a man like Max Müller in the wrong. He may believe me when I say, that it grieves me when I see him in company with Beit and Rhodes,‡ whose name on future maps is meant to perpetuate the disgrace of England.§ It is still less a pleasure to look into the future opened to us by this war. I do not speak of Germany in particular; it is very indifferent to us, whether the dependence of the Transvaal Republics on England stands before us in the form of a half-sovereign Republic or in that of an English Crown Colony. If there should ever be, *quod absit*, a real conflict between nations, the old brotherhood of whom is again and again, and *with perfect right* invoked by Max Müller, truly nobody would ask for the form of government of a single district, but for the sentiment of the inhabitants. It is not I who say so, but the English intellectuals, who

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\* Jameson has no powerful position, and was sent to prison. Rhodes has never been indicted as yet. It was Colonel Rhodes who was found guilty and sent to prison.

† But who did?

‡ He saw me as little in company with Rhodes and Beit as I saw Mommsen in company with the *All-Deutsch* fraternity.

§ He was received by the German Emperor.

declare that the protest against the war is necessary as an assurance of sympathy to their Dutch fellow-subjects in the South African Colonies. English Imperialists who hope for an increase of English power in this way, really know not what they are doing.

I speak of England. In what terrible danger she finds herself is clear to many of her friends, and to all her enemies. The Prusso-Austrian War was settled in seven days; the Franco-German War in seven weeks. (?) The shortness of the wars made it possible to localise these catastrophes, and to avert the threatening conflagration of the world. As to the Boer War, everything is uncertain, except its length. Every day gnaws the roots of the position of England in the world. The military and political power of England pales before the civilised, and, still more, the half-civilised, nations. One pillar after another in the gigantic dominion of sea and land trembles. Is there no help? Max Müller dreams of a common intervention of the Great Powers,\* and our beloved countrymen, 70,000 in number, have raised a similar sigh from Munich. Such a sigh, according to my opinion, would better be addressed to Providence than to Count Bülow. Every Englishman will admit that the decision does not rest with Foreign Powers. Intervention of any kind is impossible. It is less impossible, so to say, for the war delirium to wear itself out, before the *harikiri* has been carried into execution. Perhaps the July elections may bring another Parliament and another Ministry. If not, what then?

T. MOMMSEN.

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\* I never did.

## POSTSCRIPT.

I DETERMINED not to answer Professor Mommsen's last rejoinder, even before I had seen it, and I mean to abide by my decision, except that I have ventured to add a few marginal notes to his letters, for which I crave Professor Mommsen's forgiveness. The controversy seemed to me to grow a little too warm, and yet nothing new or important came to the surface. A number of subjects were touched upon which seemed to me of no relevancy whatever with regard to the only question which interested me: *The question of right between England and the Transvaal Republic*. It was on this question alone that I ventured to write, leaving all recent events and matters of sentiment for or against England to the journalists of Germany. On that question, the question of right, I note with great satisfaction that, though others differed, Mommsen not only agrees with me, but expresses himself even more strongly than I did. This surely ought to convince my German friends, even the *All-Deutsche* fraternity.

I maintained that the Transvaal Republic had never been a State independent of England, and that therefore there could be no question of English greed for land or gold. Whatever happened, England could never hope for one inch of land beyond what had been its own for decennia, or for a single bar of gold that belonged to the Transvaal Republic.

Mommsen speaks even more strongly, and I must refer my All-German friends to him. "We cannot," he says, "but agree with Max Müller that, as a matter of fact, the two Republics were dependent on the English right for protection. A real independence does not exist for these relatively small

*Republics.*" The two Republics are, nevertheless, about as large as France. And, more than that, Mommsen actually states: "*It is by no means mere invention to say that the claims of the immigrants, though not recognised by treaties, yet founded in the matter itself, were pushed aside, nay, despised, by the Transvaal Government, formally independent as it may have been in these matters.*" This surely goes even beyond what I said. And once more: *The dependence of the Transvaal on England is a fact confirmed by existing circumstances, and this dependence involved for the governors of the Transvaal duties towards the English Government.*

What more could I expect from my learned antagonist, if indeed he was an antagonist, than that I was perfectly right with regard to the question of right between England and the Republics? I had determined not to speak about recent events, for I felt that it was not for me, in the present state of our knowledge, or rather ignorance, to judge of such men as Lord Salisbury, Mr. Chamberlain, the whole English Cabinet, and the Parliament of England. German journalists know, no doubt, a great deal more about all this than we do in England. As to Jameson, facts were too patent for anybody to hesitate, and Mommsen is quite mistaken if he imagines that I ever differed from him on this point, or that I waited till I had drunk with him at his table, before expressing my opinion of Jameson and his followers. One cannot say everything at all times, and as Jameson had nothing to do with the question of right or wrong, I hardly mentioned him. He broke the law, he was punished, certainly not too severely, and there is an end of him. On other points, Mommsen, with all his righteous indignation, fully agrees with me, more particularly when he warns the Germans to mind their own business, and not to attempt to judge of English affairs, but rather to remember what they owed to England,



and not to forget their own colonial mistakes and difficulties.

With regard to other matters I see that Mommsen chiefly depends on Bryce's book, an excellent book; but on some important points he would have found a dose of Fitzpatrick very useful. The comparative table of the Transvaal budgets, for instance, which he copies from the *Manchester Guardian*, has been taken to pieces long ago, and that there was a large margin for secret service\* no one knows better than certain German newspapers.

In fact, there is in England a real Parliament, very outspoken on both sides, and it is not likely that the Opposition should have to wait for Uitlanders to discover the black spots in the moon. Professor Mommsen has read Mr. Bryce, and he could not have consulted a better book; still, if he had consulted other books he would have seen that the case is not quite so terrible against England as he imagines. I mention only a few, such as Rider Haggard, "The Last Boer War"; Fitzpatrick, "The Transvaal from Within"; Mrs. Lionel Phillip's book; E. Naville, "The Transvaal Question"; John Martineau, "Transvaal Troubles"; "Great Britain and the Dutch Republics"; "British Case against the Boer Republics"; Toggenburger, "Die Ursachen des Transvaal Krieges"; Lucas, "Historical Geography of the English Colonies."

I am truly sorry that so true an admirer of England as Mommsen should have made such grave mistakes in judging of some of the most eminent and respected of English statesmen. He actually holds some members of the English Cabinet responsible for the scandalous crime of Jameson, and says it is the Dreyfus case over again; but this time turned against England. He speaks of England as performing the part of the hangman against the belated descendants of William Tell. What very exaggerated expres-

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\* Toggenburger, l.c., p. 15.

sions, and most offensive, not to the English, but to the Swiss, who, of course, have indignantly protested against such a comparison.

I hope that Mommsen did not always approve of Bismarck's political behaviour, but would he have ventured to call him such names? Would he venture to call Lord Salisbury or Mr. Chamberlain such names, if he met them in society? I can understand that all this, no doubt, was spoken in haste, and will, I hope, be forgotten the next time he comes to visit his friends in England. By that time the strange misunderstanding also between Germany and England may have vanished, and Germany will have taken to heart the wise words of Mommsen, that "*the greatness and power of England constitute a vital question to the political position of Germany in Europe.*"

If my object had been to discuss recent political events, and not the far more important Question of Right between England and the Transvaal, the justification of the present war—a war completely defensive on the part of England—might have been proved by a very simple process:—

- (1) Was the Transvaal Republic a sovereign state in 1899?

The Great Powers at The Hague Congress said, No. They did not invite it, in spite of all solicitations.

- (2) Was the Transvaal Republic dependent on England?

Krüger said, Yes; for he tried to get concessions after concessions from England, and actually took office under the Queen, only stipulating for an addition to his salary. His letter to that effect is published.

- (3) Did England wish to drive the Republic into war?

No; it only sought to abate the oppression towards the Queen's subjects, and asked for them no more than the rights which they enjoy in every other colony.

- (4) Did England ever threaten war if these rights were not conceded?

No; war was never mentioned in any English despatch. It was for the sake of defence that her garrisons in South Africa were slightly strengthened, quite insufficiently, however, for offensive purposes. England might at any time have marched the whole of her army to the Cape, without anybody having a right to complain, not even Portugal or Germany.

- (5) Who took the terrible responsibility of declaring war?

Krüger, whose accumulated armaments had been for years of an offensive character, and who thought he could safely defy the English Colossus, and become a wealthy sovereign himself.

- (6) Who encouraged Krüger in his reckless defiance of England?

His own agents and emissaries, who made him believe that certain Continental nations would come to his succour. These promises are now said to rest on forged letters.

But the war remains, and the 20,000 Englishmen killed or wounded will always remind England that not the faintest chance must be left for a similar rebellion at the Cape in the future. That war was most unrighteous, and the encouragement of the ignorant Boers, by adventurers from Holland and the recipients of Dutch gold, thoroughly nefarious. The loud sympathy also of those who had no sympathy for massacred Armenians was simply dishonest, to call it by no harder name. Such things can be forgiven, but they will not be forgotten, and may be remembered at a most inconvenient time. Professor Mommsen asks, "What will happen, if the next election in England does not produce a change in the English Ministry?" The answer is easy. England will go on fighting for her right so long as a single

Englishman, Scotsman and Irishman is left to fight for their Queen and their country.

F. MAX MÜLLER.

OXFORD, 29th April, 1900.

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