THE INTERNATIONAL CONGRESSES AND CONFERENCES OF THE LAST CENTURY AS FORCES WORKING TOWARD THE SOLIDITY OF THE WORLD

The pre-Tridentine œcumenical councils of the Roman Catholic church were, as Dr. Francis Wharton has well remarked,¹ international congresses, working toward the establishment of a uniform law for the civilized world. It was a law confined to one set of subjects; but among them were those having to do with the family relation, and which were therefore of the first importance to human society. Each nation of Christendom was represented in these gatherings by its sovereign or political delegates, as well as by its bishops, and it was for each nation, acting through its political departments, to ratify or reject such rules or laws in these respects as the council might propose.

The representation of political sovereignty in the Council of Trent was slight, and in the only œcumenical council since called by Rome — that of the Vatican — it was wholly wanting; Bavaria being the only power (though all European cabinets were consulted) which intimated a willingness to send an official *delegatè*.²

The movement of modern society is away from ecclesiasticism in politics. It is improbable that national policies will ever again be formulated by councils called by the Vatican. These bodies, useful for such purposes in their day, have been replaced by something dealing with international relations in a simpler and more practical way. The modern congress or conference of nations, so far as it relates to the settlement of large questions of general and permanent importance, is a natural growth of the times. It serves to express public opinion — the prevailing opinion of the people in each of the participating powers.

¹ Conflict of Laws, I, § 171.

² Memoirs of Prince Hohenlohe. Macmillan's Ed., I, 395; II, 4.

The Congress of Munster may be said to be the first of this new order. It recognized accomplished facts. It confirmed the results of the Reformation by its rule of *cujus regio, ejus religio*. It set up the principle of a balance of power as the regulating force in the international politics of Europe. But it was not until the nineteenth century that gatherings of nations became common which either were unconnected with the settlement of the results of a war or, having such a connection, went beyond it in devising measures tending in greater or less measure to the general and permanent benefit of civilized society.

The Congress of Vienna in 1815 was the first of these at which social, ethical, and economic interests, having no immediate and pressing political importance, were the subject of definite and collective action. Two principles, especially, were affirmed, which were of the kind that makes for the solidarity of the world: — the duty of suppressing the slave trade as inhuman, and the free navigation of international rivers, because commercially desirable.

An Austrian statesman said, a few years ago, that in the eighteenth century liberal ideas in government came to the front; in the nineteenth century the dominating forces were those tending to nationality; and that the twentieth would be for Europe one of a struggle for existence between the nations in the field of commerce and industry. These generalizations are striking and suggestive, but they ignore the work of the nineteenth century in bringing nations into friendly relations with each other, and promoting the peace of the world. Of the new nations in Europe to which it gave being or accorded a particular character, those still existing were almost all created for the benefit of other nations. In America, the new-born nations were still more numerous, and each achieved its independence for itself; but no sooner had the Central and South American states renounced their connection with Europe than they sought to connect themselves with each other and with those of North America in some form of international union.

The Congress of Panama (in 1826) was called to give expression to this wish, and not without some hope on the part of the more ardent spirits that a federation of the American republics, if achieved, might lead to a federation of the world. It seems, said

General Bolivar, in his circular of invitation (of December 27, 1824) to the Congress of Panama, issued as liberator of Colombia and President of Peru, that if the world had to choose its capital, the isthmus of Panama would be selected for this august purpose, placed as it is, in the center of the globe; looking on the one side toward Asia, and on the other toward Africa and Europe. There, after a hundred ages, posterity would turn to learn the basis of the first alliances which would regulate the system of the relations of the American republics with the universe. What, he asked, would the isthmus of Corinth then be to that of Panama?³

The delay in the arrival of the envoys from the United States, the sickly climate, and the fear of each of the new powers that it might lose, by association with others, the full luxury of independence, rendered the work of the Congress of Panama substantially futile; but it led the way to others less ambitious that have accomplished more. Between 1826 and the present time, there have been held more than a hundred and twenty international congresses or conferences of a diplomatic character to promote objects of a social or economic nature, which deserve a place in the history of the world. A list of those which might fairly be included in this category is subjoined to this article, and the most cursory glance at it will suggest the wide range of topics considered, and the substantial advances effected by their means in the organized concentration of human society.⁴

That which stands out most prominently, because it touches every man's daily life, is the formation of the Universal Postal Union. This now embraces the entire civilized world and a considerable part of that which remains uncivilized. Cheapness, ease, and certainty

³ Am. Annual Register, 1825-6, Doc. 98.

⁴ The term "Congress" once meant an assemblage called to adjust international questions, as a consequence of war. It was formerly used in a still more restricted sense as an assemblage of sovereigns, for that purpose, leaving "Conference" to designate an assemblage of representatives, to act only subject to ratification. It is said by Fiore (*Nouveau Droit International Public*, Antoine's translation, II, 646), that now "Congress" is used only to signify an assemblage of representatives of nations to consider complex questions of general interest, while "Conference" is used to denote such an assemblage to consider particular questions of a local or temporary character. It has not been thought worth while in this article to adhere to this somewhat arbitrary distinction.

of communication between nations have been thus secured in such a way as to increase immensely the facilities both for friendly correspondence and commercial intercourse. The congresses of the Universal Postal Union, meeting statedly every five years, are in effect assemblies of accredited representatives of all nations for legislative purposes. These have undoubtedly done more than any other one thing to impress the world with the idea that a world-union for certain social and political ends is a practicable thing. It can no longer be sneered at as impracticable, because it exists and has existed as a working force for a whole generation. Every man who sends a letter from New York to Tokio with quick dispatch, for a fee of only five cents, knows that he owes this privilege to an international agreement, and feels himself by virtue of it a citizen of the world.

The rapid transportation of passengers and goods from one country to another has been greatly advanced by the work of some of these congresses. Boundary lines, in important particulars, have been almost effaced. International commercial tribunals, like that of the Rhine, have been established, and provision made for enforcing judgments against carriers in jurisdictions other than those in which they were rendered. Local impediments to navigation through taxation have been removed by purchase through international contributions. Uniformity in marine signals and nautical observations has been promoted. In the matter of weights and measures serious advances have been made toward setting up universal standards. For electric power such a standard has been attained by an international convention. Coinage has been so far brought under common regulations that the monetary unit in eight countries is identical.⁵ The telegraph and the telephone have been subjected to certain conditions with respect to international communication, which make for general convenience and the peace of the world.

Patents, trade-marks, and copyrights have been assured more than local protection by the Union for the Protection of Industrial Property, with its provision for stated international conferences to perfect the system.

⁵ In Belgium, Finland, France, Greece, Italy, Spain, Turkey and Venezuela, it is a silver coin of the value of 19.3 cents of American money.

Sanitary precautions have been imposed to make international intercourse more safe.

All these things, in making it easier and safer to travel from one country to another, and in extending the protection of many nations to the rights of property of the citizens of one, make for a policy of commercial competition. Huxley, in 1894, expressed his views of one effect of this in some weighty words. He had been asked to sign a memorial in favor of a general reduction of armaments. This he declined, on the ground that it would be a futile expression of opposition to a natural tendency of the times.

In my opinion, [he wrote,] it is a delusion to attribute the growth of armaments to the "exactions of militarism." The "exactions of industrialism," generated by international commercial competition, may, I believe, claim a much larger share in prompting that growth.⁶

Against such exactions of industrialism, international congresses undoubtedly interpose a considerable counteracting influence in tending to turn competition into co-operation, or at least to equalize opportunities for commercial success.

But if occasions for war have not been diminished, its attendant miseries have been softened. The virtual abolition of privateering followed the declaration of the Congress of Paris, in 1856. Humanity to the wounded has been safeguarded and the infliction of unnecessary suffering in combat restricted by the declarations of St. Petersburg and Brussels, the Geneva conventions, and the organization of the Red Cross societies.

The settlement of differences between citizens of different countries before the courts of justice has been made more easy by the adoption of uniform rules of private international law. Ten nations of Europe have now a common system of adjudication in this respect, in regard to the marriage contract and its discharge by divorce, the appointment and authority of guardians, and certain matters of judicial procedure; and to some of the conventions for this purpose as many as fourteen powers have adhered.

This has been the work of the four successive conferences at The Hague for the advancement of private international law, held between 1893 and 1904; and a similar conference at Montevideo in 1888 has brought similar results to five South American powers.

⁶ Life and letters of Thomas H. Huxley, II, 397.

The initiative in the movement leading to these memorial achievements was taken by Italy, as early as 1861. Mancini was its father, and after more than twenty years of agitation, the government, by a circular dispatch to its ministers abroad, brought the question of convening a congress of the world to the attention of all the powers. The way meanwhile had been smoothed by the action of the Netherlands, which in 1874 had proposed to all the European powers an international conference on the subject of the execution of foreign judgments. Italy, Belgium, Russia, Austria, Denmark, and Sweden signified their approbation of the scheme. France made no answer. England and Norway declined to adhere to it. The idea, however, had now become so familiar that when Italy, after eight years, revived the project, there was so general an inclination manifested to try the experiment that she was encouraged to issue a formal call for such a congress as Mancini planned. The invitations were general, the place of meeting to be Rome, and the time November, 1885. Fourteen European and seven American powers accepted the invitation. A program was prepared looking to a treaty as to the execution of foreign judgments, and to a serious consideration of the expediency of attempting a general codification of private international law. Unfortunately, an epidemic of cholera swept over Italy during 1885, and the abandonment of the congress was the result.⁷

In public international law, a unifying influence of the first importance has proceeded from the conference at The Hague in 1899. But The Hague tribunal has even a higher aim than the unification of international law. It is a court of the world, and, as such, has only to prove itself worthy of the name to bring before it half the controversies between nations, which otherwise might lead to war.

It is not too much to say that this great agency for peace and right is the natural fruit of the preceding international congresses of the nineteenth century. They have broadened the law of nations. They have made it more humane. They have measured it by the rules of justice. It holds a firmer seat, by virtue of such declarations by assembled powers as that of the Conference of London, in 1871, on the Black Sea question, at which four great and two minor powers asserted it to be

⁷ Torres Campos, *Bases de una Legislación sobre Extraterritorialidad*, 193-8.

un principe essentiel du droit du gens qu' aucune puissance ne puisse se libérer des engagements d'un traité ne en modifier les stipulations, sans le consentement des puissance contractantes au moyen d'un arrangement amiable.

It is undoubtedly true that the earlier diplomatic congresses had very little connection with philanthropy or abstract right. They were convened to compose particular international differences. They looked, however, steadily to the future. They felt their power. A new force in world-politics was being evolved, and they fully appreciated it.

Professor Andrews has fitly characterized the Congress of Vienna as

a council of the powers, the object of which was to anticipate and control any differences arising between state and state.⁸

The great powers saw from the first the immense possibilities for Europe, within the grasp of every such assembly, and the ease with which they, by concerted action, could control its action. The treaty of Paris, concluded in the autumn of 1815, between Great Britain, Austria, Prussia, and Russia, made provision for future conferences of these powers at fixed intervals, to consider, *inter alia*, the measures which at each of these periods shall be considered the most salutary for the repose and prosperity of nations, and for the maintenance of the peace of Europe.

The results of the congresses of Paris (1818) at which France joined the concert; Troppau (1820); Laibach (1821), and Verona (1822), showed that Europe was disinclined to tolerate, except in case of some extreme emergency, an attempt by any knot of nations to control the internal policies of other nations.

A recent act of Congress, in respect to one matter relating to the international policy of the United States, looks to an invitation to other powers to assist in its enforcement by concerted action. This is the Immigration Act of February 20, 1907, which confers authority on the President to call, at his discretion, an international conference for the purpose of framing international agreements or treaties to regulate all matters pertaining to the immigration of aliens into the United States.

⁸The Historical Development of Modern Europe, 1815-1850, 102.

It deserves note that little has been accomplished by racial or continental congresses, as compared with those of a universal character.

Those of the South American states have generally proposed much and achieved little. It may be doubted if the three Pan-American congresses have been of any substantial effect in bringing the republics of the continent together. A central bureau has been organized, and Mr. Carnegie has given it a home; but how much better do we understand our southern neighbors, or they us? The weaker powers had hoped that the United States would stand between them and any encroachments of the stronger ones. Finding that there is to be no such new reading of the Monroe Doctrine, they are already declaring that the Congress of Rio de Janeiro may be the last of its kind, and showed the United States ready to do nothing but utter the platitudes of a stump speaker about right and justice, while looking for nothing but trade favors.⁹

The international congresses of a diplomatic nature have paved the way for an ever increasing number of those of an unofficial character. These have been greatly multiplied since the introduction of World's Fairs. Such expositions of art and industry make convenient centers for gatherings of men of different countries for a comparison of views on subjects of common interest. Eighty international congresses were planned in connection with one World's Fair, and thirty or forty have been organized by the managers of others. Many of the attempts to collect assemblages of this sort have been flat failures. Others have borne good fruit. Quite a number have resulted in a permanent organization, which has since held stated sessions and done solid work.

A large number of international societies also exist of an origin quite independent of any exposition, and with a title to success resting wholly on their own merits.

A list of the leading congresses, associations, and societies of an unofficial description organized during the last century is appended to this article. They have been roughly classified by their objects,

⁹ See the outspoken comments on the Rio de Janeiro Congress by A. E. Holder of Lima in the *Blatter für vergleichende Rechtswissenschaft*, etc., March, 1907, p. 498.

and it will be seen that of these there are few of more than local interest that have not been made the subject of consideration by such an assemblage. The number of meetings held by such bodies is over six hundred.

In one respect the unofficial congress tends, even more strongly than the official congress, to promote the solidarity of the world. Its members come together as servants of no master. They meet on a common footing. They are responsible only to themselves. As scientific investigators, or men of similar business pursuits, or perhaps humanitarians, they are drawn together by natural tendencies.

Augustus Birrell has remarked¹⁰ that

John Locke was fond of referring questions to something he called "the bulk of mankind"—an undefinable, undignified, unsalaried body, of small account at the beginning of controversies, but all-powerful at their close.

This unofficial set of men has discovered in our day that it has the advantage of numbers, and that in international gatherings called by no other authority than that of some of its members, it can exert no small influence towards preventing controversies, as well as towards ending them.

Our Secretary of State, in his recent South American tour, said in one of his addresses that the chief office of a foreign minister was to interpret the men of the nation to which he was accredited to the men of the nation by which he was accredited. The more the interpreters, and the freer the opportunity to interpret, the better will all peoples understand each other. International gatherings, of the kind now under consideration, afford precisely that opportunity. Those who attend them soon come to look through national peculiarities of thought or expression to the common humanity which lies behind. Friendships and connections are thus made that have no unimportant effect both on the literature and the industries of the world. Every nation is kept informed of the progress of civilization in every other, not by the cold reflection of the printed page, but by the warmer impression derived from immediate personal intercourse, unembarrassed by official formalities.

It is certain that of late years, as one political society is compared with others, there is noticed a sameness of color and movement, an

¹⁰ In the name of the Bodleian, 311.

institutional resemblance, a co-operative tendency, a closeness of relation between citizen and foreigner, not seen before since the division of the Roman empire.

In creating this new condition of things, steam and electricity have played a great part. So have wiser philosophies of religion; higher standards of ethics; a wider diffusion of education; a fairer administration of justice by the courts. But had it not been for the actual meetings, of an international character, face to face and hand to hand, of those interested in working out the same world problems, it is safe to say that progress would have been much more slow.

Most of the questions that arise between nations may, no doubt, be best settled through diplomatic representations or correspondence. Many advances have so been made that owe nothing to congresses of powers. The general adoption of uniform rules of ocean navigation is one of these. A mere "Trinity House" order, made in 1840, for the better prevention of collisions, with the aid of acts of Parliament passed in 1851 and 1862, and orders in council of January 9, 1863, and August 14, 1879, has furnished an acceptable basis on which most of the powers have successfully united by separate and independent legislation. But had the "Revised International Rules and Regulations for Preventing Collisions at Sea" originated in a maritime congress, it would not have taken nearly half a century to write them into the law of the world.¹¹

It is not the least function of an international congress, dealing with economic questions, whether it be public or private, to inform its members — and through them the world — of the governing facts.

Waldeck-Rousseau a few years since referred to the long succession of such gatherings in the nineteenth century as having dressé le bilan de l'avancement de toutes les sciences, et mis en commun entre tous les peuples les archives modernes du progrès social.

There is no nation to which these gatherings have brought more good than to the United States. The late Edwin L. Godkin described us, a dozen years ago, as

an immense democracy, mostly ignorant, and completely secluded from foreign influences, and without any knowledge of other states of society.

¹¹ The United States did not accede to them until the Act of Congress of March 3, 1885; 23 U. S. Stat. at Large, 438.

This is a caricature of the American people, even as they were when he first knew them, thirty years earlier; but it was sketched from life. Our environment is unfavorable to any close acquaintance with foreign nations, or their institutions and modes of thought. We have needed precisely the kind of means for giving such an acquaintance with them which international congresses and conferences offer. Nor have we failed to make good use of them. From the days when Elihu Burritt, sixty years ago, was organizing peace congresses in Europe, to those in which the United States is proposing in co-operation with Great Britain and Spain to bring the question of a concerted reduction of armaments before a congress of the civilized world at The Hague, Americans have been among those most interested in promoting discussion of international interests in international assemblies.

There is comparatively little in the approaches towards the solidarity of the world, achieved during the last century, which makes in the direction of political union. While governmental association for administrative purposes has been occasionally set up in limited fields, the strength of the movement has been towards a regulation of the management of each particular country by its own public officials, in accordance with rules previously established by international agreement.

The Hague conferences on Private International Law have not sought to declare the true rules on which all controversies of a private character, between nations and individuals, or individuals of different nationalities, or concerning foreign transactions, ought to be decided. They were content to mark out which of several possible rules should be applied in certain particular cases. The Montevideo congress adopted a different policy, but with less happy results.

In comparing the work of public and private international congresses, two things are to be remarked. The public congress is naturally under the domination of more particularistic influences. It was a true saying of Renan that

depuis le commencement du monde, on n'a pas encore vu une amiable nation.

It is the business of a nation to be selfish. Altruism is for individuals. It must ever be prompted by the voice of conscience or sentiment; not by that of law. This is intrinsically necessary. A government represents all and speaks for all who owe it allegiance. It can rightfully compel them all to promote its welfare. It cannot rightfully compel them all to promote the good of other nations, except so far as it may gain something from this for itself. Those who wish to engage in foreign missionary enterprises must not, though a majority in number, sweep into the current, by force of law, an unwilling minority. It is the duty of every man to love his neighbor, be that neighbor a fellow citizen or a foreigner, Israelite or Samaritan. It is not the duty of a nation to love any other nation. It is its duty to deal fairly with other nations and respect their rights. Policy may lead to closer relations with some of them; but it will always, at root, be a selfish policy.

A selfish policy may dictate, and often has dictated, co-operation between nations in the interests of humanity and civilization. But when it does, we shall commonly find that the initiative has been found in individual action, prompted by considerations sometimes commercial, sometimes scientific or philosophic, sometimes altruistic. So, and for similar reasons, it has often been found that the public congress of moment to the world has been the immediate consequence of a private congress. In that manner came the Red Cross conventions; first an international conference of private individuals at Geneva in 1863, and then, at its instance, an official call for the diplomatic conference held there in 1864.

The empire of Germany is more the fruit of the Zollverein of 1833 than of any of the political confederations by which it was preceded; and the Zollverein itself might never have spread so far, had it not been for the sentiment of nationalism so passionately voiced by the gathering of the Burschenschaft at Eisenach, only ten years after the congress of Vienna. The lofty monument now marking the spot where men from so many German universities pledged themselves to work for German unity, is an enduring testimony to the strength of public feeling in shaping the relations of neighboring states, so as to make for unity of purpose if not of administration.

The French physiocrats of the eighteenth century asserted it as a fundamental principle, that the natural laws of society are the universal laws of natural or physical order, applied to social relations. They may have carried their metaphysics too far, in working towards practical results in legislation; but there was sound truth at the bottom of it. It is the universal order of things to which all particular orders of things tend to conform, and against which, if found in opposition to it, they dash only to disintegrate and disappear.

The order of the physical universe in which separate planets and constellations move on in their different courses in such general harmony does not simply illustrate to separate nations the possibilities of social co-ordination. It furnishes an impulse towards such co-ordination; bringing before all men not only an intelligible principle, but something that appeals to each individual as the principle of his own world; of his own being.

This impulse will be felt as a cosmic force in precise proportion to the psychological contact of nation with nation. Until the days of steam transportation, there were few in any country, even among its leaders, who ever went far from their own land. The seventeenth century had indeed established the practice of maintaining permanent legations (*legationes assiduas*) for diplomatic intercourse; but it was an intercourse limited to official circles. Modern facilities for travel, modern uses of electricity, and the modern press have put the world, and even the embassy, on a different footing. There is no place left that is safe enough to hide state secrets. The telegraph and telephone have conquered time and space. The newspaper gives daily to every one for two cents, what a hundred years ago all the governments in the world could not have commanded in a year.

Nations have been brought together by material forces, starting into action greater immaterial forces. Electricity is finishing what steam began. Men come close together who breathe a common intellectual atmosphere; who are fed daily by the same currents of thought; who hear simultaneously of the same events; who are eager to disclose to each other whatever new thing, coming to the knowledge of any, is worthy the notice of all. It is from these conditions of human society that international congresses and conferences have

come to assume so large an importance; and it is an importance that must steadily increase rather than lessen, unless these conditions essentially change.*

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* A list of memorable international conferences, congresses, or associations of official representatives of governments, exclusive of those mainly concerned in dealing with the results of a particular war, forms part of this article and is printed in the Appendix at page 808 of this JOURNAL.