YALE

LAW JOURNAL

Vol. XX NOVEMBER, 1910 No. 1

INTERNATIONAL COURTS

(The address given to the Graduating Class of the Yale Law School on June 20, 1910. The third, fourth, fifth and sixth paragraphs appear in abstract.)

In the nearly sixty years which have passed since I first made the acquaintance of the College Campus and the venerable Brick Row (now little more than tradition), vast changes have taken place not only in the material, but in the professional and political world. Great wars have been waged, and great revolutions suppressed; great empires founded by the consolidation of contiguous states, and new nations created by sundering ties which had become insupportable. The profession of the law, the most conservative of all pursuits, has not escaped this contagion of modernity. New systems of jurisprudence have been installed; new courts created, and new classes of cases are constantly coming up for adjudication. With every new invention, with every device for exploiting the general public for the benefit of a few, new subjects of litigation are constantly arising.

During the colonial period the favorite forum of the country people was the Justices of the Peace. Few cases were taken to the courts of record—fewer still appealed to the Supreme Courts. Even as late as the middle of the last century, the visitor to the county courts usually found the jury wrestling with a case involving the breach of warranty of a horse, or the proper location of a line fence—a kind of litigation which often dragged on for years and wound up in an action for slander. Cases involving over a thousand dollars were comparatively rare, and the fee of

a modern lawyer in a single suit often represents the earnings of a lifetime a century ago. Corporations then were practically unknown, but have lately multiplied to such an extent as to have absorbed the most profitable sources of professional income, and are introducing subjects of litigation unheard of to the fathers of the present generation. Both in England and in America there has been a large falling off in jury cases, and a corresponding increase of suits in the courts of equity, in which the great business of the country is now carried on. Sovereign States are now constantly bringing actions against each other in the Supreme Court; but the last and final expression of judicial power is found in the international tribunals. The supereminence of these courts, and particularly of The Hague tribunal, invites a consideration of their possibilities and limitations.

International arbitration has been a dream of political reformers from the time the first glimmerings of Greek philosophy and civilization began to dissipate the darkness with which ancient, and particularly Oriental, barbarism had overspread the earth. It was frequently resorted to in disputes between the Grecian states, and was not unknown even in Asia Minor.

By the Romans arbitration was uniformly refused. During the Middle Ages and the preponderance of papal authority, the Church arrogated to itself to act as arbiter of all disputes between nations, and even to parcel our newly discovered lands and allot them to sovereigns at its pleasure. Be it said to their credit, the voice of the Popes was generally for peace, and through their influence arbitral clauses were sometimes inserted in treaties between European powers, and were occasionally appealed to for the settlement of international disputes. But these attempts were always individual, limited to the signatory powers alone, and ceasing to be operative upon the outbreak of war, the termination of the treaty, or the passing of the particular exigency.

It was not until the seventeenth century that the question of a general arbitral tribunal in which all the nations of the world should take part was even broached by political writers. Curiously enough, two books upon this subject appeared almost contemporaneously—one by Emeric Crucé, a French writer, in 1623, and the other by Grotius, the great Dutch publicist, who in 1625 put forth his great work upon the law of war and peace, which for nearly three hundred years has been treated as the foundation of the modern science of international law. In this he advocates

congresses of Christian states at which international controversies shall be decided by disinterested powers with authority to compel the parties to accept peace on equitable terms. Crucé's project was more definite. He proposed the establishment at Venice of an assembly of Ambassadors of all the nations of the world, Oriental as well as Occidental, who should settle all international disputes. Nothing, however, ever came of these proposals, although individual cases between the Powers involving generally pecuniary claims, questions of boundary and of the navigation of internal waters, were frequently submitted to disinterested parties.

It is to the nineteenth century and largely to the initiative of this country that the world is indebted for the most important steps in the direction of a general arbitral tribunal. The creation of the Supreme Court of the United States is itself almost an epoch. It demonstrated for the first time that a court may be established, with power to adjudicate all claims between sovereign and independent States. For this purpose it possesses all the prerogatives of an international court. It adjusts all controversies between forty-six States, all independent of each other, and all autonomous, except in a limited subservience to the general government. By accepting the Constitution of the United States and seeking admission to the Union, each State declares its willingness to abide by the awards of the Supreme Court, which that court may enforce with the Army and Navy. At an early period of its history, Pennsylvania, Georgia and Virginia refused to be bound by its adjudications; but wiser counsels ultimately prevailed, and never since the Civil War has the supremacy of that court in interstate matters been seriously denied. That this jurisdiction is a substantial one is evident from the fact that a year rarely passes that it is not invoked to settle some pecuniary demand, some boundary line, or some question of water rights, besides a much larger number of cases where the question arises as to the power of the Supreme Court to restrain a State acting through its officers in alleged violation of the Constitution of the United States.

What the United States have demanded of the States they have generally conceded in their own disputes with other sovereign powers. From 1798 to the present day, no arbitration has been refused by this country where the matter was susceptible of arbitration. As in law suits generally, the results have not been so in 1893, with an offer to lend their ready co-operation. These

favorable to either side as to discourage the other from repeating the experiment. The principle has been so well established that it is difficult to conceive of a controversy arising with Great Britain which both sides would not be willing to arbitrate. During the nineteenth century more than a dozen disputes with the mother country, and at least as many more with other foreign powers, were submitted to arbitration.

But all these were of minor importance as compared with the great case of the Alabama Claims growing out of the Civil War, and the failure of Great Britain to make use of due diligence in preventing the escape from her ports of Confederate cruisers. Whether the magnitude of the amount, the importance of the questions involved, the degree of public attention it attracted, or the dignity, ability and distinguished character of the court and counsel be considered, this case stands at the head of all international controversies ever submitted to the arbitration of a neutral tribunal. The proposition as made in 1863 for an arbitration was rejected by Earl Russell upon the ground that it involved a question of honor and good faith, as well as the interpretation of a British statute, which could not be referred to neutral powers. Upon a subsequent change of personnel in the British administration, the subject was reconsidered, the offer accepted, and the case submitted to three of the most distinguished jurists of Italy, Switzerland and Brazil, as well as those of England and the United States, and an award made substantially in favor of the United States, the English members alone dissenting.

The decision of the individual case was of less importance than the settlement of the legal principles involved with respect to the conduct of neutrals, and their duty to belligerent States. These principles have been practically acquiesced in, though not formally adopted, by the whole civilized world, and the Geneva Arbitration, as it came to be called, treated as a part of the law of nations. It probably averted a war with Great Britain, and was certainly a signal instance of self-control on the part of the two leading powers of the world.

Eighteen years after the successful issue of the Geneva Arbitration, and close upon the applause its methods had evoked from the leading publicists of the world, Congress in 1890 requested the President by resolution to invite the powers to submit all their differences not adjustable by diplomacy to arbitration. This action was formally approved by the British House of Commons

mutual resolutions were finally embodied in a general treaty of arbitration between Great Britain and the United States, concluded in 1897, but for some reasons never very satisfactorily explained, it failed of ratification by the Senate and never became operative. Meanwhile, owing to the aggressive policy of Bismarck and the Franco-Prussian War all Europe was kept under arms and an enormous expenditure incurred in the preparation for possible war.

Strange to say, the next most important step ever taken in the direction of international arbitration came from Russia—one of the most autocratic, powerful and belligerent of nations—in the form of an invitation to the powers generally, to send delegates to a conference to be held at The Hague to consider methods of relieving the world from the oppressive burden of armaments, and devising a method of preserving peace without a resort to force. The time chosen was opportune. Bismarck, the man of blood and iron, whose policy had crushed France and unified Germany, had retired to private life, but his policy of a continued preparedness for war was continued to the point of converting the continent into a military camp. The expense was becoming enormous, and the tension intolerable. It differed from all other attempts at arbitration in the important fact that it was called together in a period of profound peace and without reference to any war, past, present or threatening. Though meeting with the approval of Great Britain and the United States, it was received with scepticism by the diplomats and press of Europe. The Conference was opened May 18, 1899, at The Hague, a place most happily chosen for the purpose. It was remote from the great capitals of Europe, their influences and their intrigues, and within an hour's ride from Ryswick and Utrecht, where two of the most famous treaties of peace were signed—treaties which did almost as much as the great work of Grotius, to establish the fame of Holland as the cradle of international law. The Hague itself is the most American of European cities, and reminds one of the old Quaker towns of New Jersey and Pennsylvania. Full of historic associations, connected with the independence of the Dutch Republic, its quiet streets and shaded avenues are instinct with the spirit of peace.

If the results of this conference be measured by the anticipations of the Emperor of Russia, who convoked it, and of the ardent friends who supported it, it must be considered a failure. The powers could not agree upon a general reduction of arma-

ments. The best that could be obtained was an opinion that a restriction of military charges was extremely desirable for the increase of the general welfare, and the expression of a wish that the Governments might examine the possibility of an agreement as to the limitation of armed forces, and a restriction of the budgets. This was certainly amiable, but strikingly ineffective. It simply threw a sop to public sentiment by making a recommendation, which every one must have known would be futile.

But if the main object of the Conference resulted in a disappointment, its convocation was fully justified by three conventions, and I use the word "convention" in the civil law sense of an agreement:

(1) For good offices and mediation by other friendly powers in case of threatened or pending hostilities. This mediation was offered by the President of the United States, in the war between Russia and Japan, and resulted in the Treaty of Portsmouth;

(2) For an international arbitration of inquiry to ascertain facts when in dispute, leaving the powers themselves to dispose of the case upon the facts found. Resort was had to this method in the celebrated Dogger Bank case, where a Russian man-of-war fired upon certain English fishing vessels in the North Sea, during the war between Russia and Japan, mistaking them for Japanese gunboats;

(3) The establishment of a permanent court of arbitration at The Hague with power to determine any differences that may be submitted to them. Judges were to be appointed by each of the signatory powers, from which one or more members were to be selected when a case arose which the parties interested desired to submit to arbitration. The United States were the first to formally approve of this convention, and the first to submit a case for its decision. This was the celebrated Pious Fund case with Mexico, which had been pending for nearly fifty years, and which was submitted to, and decided by the tribunal. This was followed by another between Venezuela and a dozen other creditor powers, three of which had actually sent fleets to enforce their demands.

Following The Hague Conference of 1899, France and England on October 14, 1903, entered into a formal treaty, agreeing to submit to The Hague court of arbitration all differences between them of a judicial order, or relative to the interpretation of existing treaties. In 1904 a similar treaty was signed between Holland and Denmark, and in 1902 another between Spain and Mexico,

for the submission to arbitration of all controversies not affecting the national independence or honor.

It must be confessed, however, that the conventions of The Hague Conference had but little effect upon the politics of Europe. Within a year after the conclusion of its Session, a war broke out between Great Britain and the Transvaal Republic in South Africa, which was waged with great bitterness and resulted in the complete subversion of the republic as an independent power. Beginning in 1904, Japan carried on for a year a terrible war with Russia for the possession of Manchuria and Port Arthur, the result of which was the establishment of Japan as a great power to be reckoned with in all eastern complications, and as unquestionably the first power of the Asiatic continent. If in either of these cases any attempt at all was made to apply the recommendations of The Hague Conference, the cases must have been treated as exceptional, since no attention seems to have been paid to them. That Russia, which had convoked this conference, should have carried on this desperate and apparently unjust war without the slightest reference to its conventions and recommendations, was certainly a discouragement to the enthusiastic reformers who saw in it the beginning of a new era of peace and concord.

So little influence did this conference have upon the preservation of the general peace that to prevent the whole scheme from falling into desuetude, in 1904, Mr. Roosevelt, then President of the United States, acting upon the suggestion of Congress and various peace societies, proposed the calling of a second conference, which met at The Hague in June, 1907, and remained in session until October 18th.

Toward disarmament or the limitation of armaments nothing was done beyond a resolution that it was highly desirable that the Governments should resume the serious study of the question, in view of the fact that military charges had greatly increased since the last Conference was held, and that a restriction of such charges was extremely desirable to the material and moral welfare of mankind. While the main object for which this conference was convoked was not attained, the Conference rendered most valuable service in recommending the creation of a judicial arbitral court, which seems to be a supplement to the permanent arbitration court created by the first Conference, and also of an international prize court (with appellate jurisdiction over the highest courts of the several powers), thus establishing the

principle of compulsory arbitration in a limited class of cases. There was in addition a general revision of the work of the first Conference: a limitation of the employment of force for the collection of contract debts; another relative to the opening of hostilities; another respecting the laws and customs of war on land, and a number of others all tending toward mitigating the horrors of war, and the disuse of barbarous practices.

That these Conferences, though not succeeding in the main objects of limiting armaments and securing a compulsory arbitration of all disputes, have done a vast deal to promote these objects is evident from the fact that, since the first Conference was held, more than fifty treaties of arbitration have been signed among the various nations of the earth—some of them limited to certain disputes of a more or less material character; others to all cases suitable for such submission, or which cannot be settled by diplomacy, and do not concern the interest of third parties, with a significant exception in most of them of cases affecting the independence, vital interest or the honor of the contracting States.

In some cases The Hague tribunal is specifically mentioned as the arbiter and in others not.

The happy results achieved by these conferences have led the staunch friends of arbitration to foresee an early extension of the system to differences of a more serious character, and to an ultimate submission of all international disputes and a general reduction of armaments. Some are optimistic enough to foretell an early and permanent closing of the gates of Janus, and a new era of universal peace and concord. In this general chorus of praise and enthusiasm it is odious to utter a discordant note; but I fear that those who profess to see the coming millennium do not take sufficient account of the underlying causes of war, which are frequently quite different from the nominal excuses put forward for a declaration of hostilities. It may be safely assumed that wars for trivial causes or for strictly personal reasons will not occur again among civilized nations. The beauty of a modern Helen will never embroil two powerful states in a ten years' war, or bring about the destruction of a modern Troy. If the Menelaus of the twentieth century is convinced that Paris has abducted his wife, he will resort to a personal encounter, or bring an action at law for damages, which Paris will compromise by giving the injured husband a check duly certified at the bank, for an amount sufficient to soothe his wounded feelings. It is one of the fruits

of a high civilization that even damages to the heart are susceptible of pecuniary estimation.

Back of the ostensible reasons for war there is usually the personal ambition of a ruler or general; the desire to enlarge the territory, or establish colonies at the expense of a weaker power; the jealousy of one nation at the growing influence of another, or the commercial rivalry of two great industrial peoples, and their competition for the trade of neutrals; the desire to find employment for great armaments, which have only in war an excuse for their existence, the land hunger which from the time of the exodus of the Israelites from Egypt, and probably long before, has been at the bottom of all great migrations, and the ousting of inferior races—in short, almost every source of envy and hatred between individuals may become the cause of an international war.

There are three obstacles which stand in the way of the solution of international questions by The Hague tribunal:

(1) The impossibility of compelling an arbitration whenever either power declines to assent to it, except in prize cases, where an appeal is given as matter of right from the courts of the particular nation to the international prize court. Such a prize case is substantially a private litigation, and utterly impracticable where the dispute is between two nations, and not as in prize cases between the capturing vessel of one nation and the captured vessel of another—really an ordinary litigation decided by an international court. No way seems possible to compel an arbitration, though few rulers would disregard a strong public opinion in favor of it. In a few treaties provision is made for the compulsory arbitration of certain cases; but it is impossible to see how this can be enforced except by a war between the two states, which have entered into the arbitration for the very purpose of avoiding a war.

(2) The failure to provide a method of enforcing the execution of its decrees. True, Article 18 of the first Conference declares that the arbitration convention implies an engagement to submit loyally to the award; but even in a common law arbitration, an award may be impeached for misconduct, mistakes of various kinds, fraud, partiality or corruption. In an ordinary case an award may be set aside by the court, but in a case submitted by The Hague tribunal there is no court to deal with it except the court which made it. Should either party repudiate it,

its execution could only be enforced by the other party by war which, as already remarked, it was the very object of the arbitration to avoid, or by a general coercive action by all the powers concerned in the establishment of the tribunal. Nothing less than a distinct agreement to this effect or a much greater loyalty to the principle of arbitration than the present state of civilization would lead us to expect, would bring about what would amount to a general European war to coerce a recalcitrant member of the Conference to abide by an award, in which only the parties litigant were interested. The practical difficulties of obtaining the necessary unanimity are so great and the interest of the powers would be so diverse as to preclude the possibility of concerted action.

(3) In nearly all the treaties made since The Hague Conference, with a view to carrying out the principle of arbitration between the particular powers, an exception is made of cases involving the independence, vital interests or honor of the parties to the treaty. These are practically admitted, even by the strenuous advocates of international peace, to be beyond the scope of arbitral settlement. It is impossible to conceive of any people held in subjection as a colony, and aspiring to be free, being willing to submit its claims to neutral powers, who might themselves have colonies ready to revolt if an example were set by others. It is really a subjection to neutral powers of its right to exist. Take our own case for example. Should we have been willing to submit, even to our good friend France, the right of Great Britain to tax her American colonies? In view of the universal practice at that time to tax colonies, and which still obtains to a great extent, the decision of a neutral court would have been unanimously against us. Had our right to declare ourselves independent been submitted, the decision would have been the same, as no Government could afford to admit the right of its colonies to revolt. Indeed, France extended us her assistance, not through a wish to further republican principles, but from a hatred of Great Britain, of whose great colonial possessions she was envious. Back of all the glittering generalities of the famous Declaration of Independence, there had been a feeling increasing for years that we had outgrown our infancy; that we were tired of being ruled by a distant Parliament, in which we were not represented, and in the sentiments of which we had no share; and that we had reached a status which entitled us to be enumerated among the nations of the earth. It was really for this principle that the colonists were

willing to stake their lives, their property and their hopes of preferment. For this we waged a seven years' war, and finally obtained an honorable though exhausting peace.

The same may be said of the Boer War in South Africa. It involved not merely the independence of the Transvaal Republic, but her vital interests.

The difficulty is that there is no method provided for determining whether a particular question does or does not involve the independence, vital interests or the honor of the contending parties. If both agree that it does, arbitration would follow almost as a matter of course. If either party insists that it does, it has the right to appeal to the arbitrament of arms without regard to The Hague tribunal. The situation may be stated even more concisely. If both parties are desirous of preserving peace, almost any question may be submitted to arbitration; but if either party is bent upon war, no system of arbitration can prevent it.

Notwithstanding its horrors, which ought to be averted by all the means which human ingenuity can suggest, war sometimes becomes a deplorable necessity, which every nation which desires to retain the respect of mankind may be called upon to face. A sudden and unprovoked attack upon the territory of a neighboring State, much more common formerly than now, is something which must be resisted at the risk of being charged with national poltronery, even more opprobious than individual cowardice. While the general rule is that any material advantage gained by a victorious nation in a great war is offset by the injury done to the defeated party, so that the cause of humanity gains nothing in the end, there are undoubtedly certain wars which contribute to the advancement of civilization and the progress of the human race—such for instance as the conquest of savages by civilized nations. It ill becomes us to denounce such wars, since it was practically by the use of superior force that we obtained possession of this continent; that Spain and Portugal overran Central and South America, and that Africa is at this moment being redeemed from the rule of savages by the powers of Europe. Such conquests contribute vastly to the general welfare of mankind.

In addition to the expressed exceptions of controversies involving questions of independence, vital interests, and national honor, civil wars must evidently be treated as an unnamed exception. They are not wars in the ordinary sense. They are not heralded by a formal declaration, or inaugurated by an open and manifest

act of war. They are usually caused by an unredressed grievance followed by revolt, ordinarily controlled by the police, increasing until it becomes a revolution in which the State and its enemies are formally arrayed against each other. The line between a revolt and a revolution is about as indefinite as that drawn by Blackstone between a misdemeanor and treason; but in either case it is purely an internal commotion with which other nations are not ordinarily concerned, and is not a fit subject for the arbitration of neutral powers. In every Government legislation is constantly being enacted which is repugnant to the views of a large minority, or even a majority of the population, whose indignation is manifested in public meetings, strikes or insurrections. Much may undoubtedly be done by advisory boards or boards of conciliation; but if there could be imagined an arbitration of neutral powers over internal dissensions, all authority of Governments to subdue their rebellious subjects and maintain order would be at an end. Before and during the great rebellion of 1861, earnest efforts at conciliation were made; but with one party determined upon the preservation of the Union and the other upon its dissolution no middle ground was possible, but no one ever suggested the arbitration of neutral powers. It was simply unthinkable.

The truth is that most of the great wars of the past hundred years have arisen from causes treated as exceptional by The Hague Conference, and the treaties made to carry out their objects. The incessant wars of Napoleon, which kept the continent of Europe in a ferment for twenty years, were obviously undertaken to gratify a personal ambition, frankly avowed in private, though in public thinly disguised under a pretext of promoting the glory of France. After the great disaster of Waterloo, his empire fell to pieces even more rapidly than did those of Alexander and Charlemagne, and the great conqueror died miserably on an obscure island in the South Atlantic.

The second war with Great Britain in 1812 was caused by the assertion of a right to overhaul and search American vessels and impress British seamen thereon—a most proper subject for arbitration, although the position of England, which was at that time engaged in fighting the whole of continental Europe, made all thought of it impossible. It was charged by the Federals that a desire for the conquest of Canada was at the bottom of the war, but this is extremely doubtful. The war was entirely incon-

sequential, as nothing was said about impressment or the right of search in the treaty of peace. The land operations were a failure; those upon the sea a brilliant success.

Our War with Mexico was an almost undisguised war of conquest in the interests of slavery and contributed little to the glory and nothing to the honor of the country. There was nothing which could have been arbitrated in the then state of popular feeling. If there was really a substantial cause for dispute, there was certainly cause for arbitration.

The three great wars of the latter half of the nineteenth century were those between France and Austria in 1859; Austria and Prussia in 1866, and the great Franco-Prussian War of 1870. All of these arose from political considerations and not from real grievances—the first from a desire to aid Italy in freeing herself from Austrian domination; the second to settle the question of the hegemony of the German States as between Prussia and Austria; the last from a determination to settle once for all the question whether France or Germany was to dictate the policy of continental Europe. There can be no doubt that this war was immensely popular in both countries. France had been the arbiter of continental Europe for more than a century; had used her power with merciless severity, and now aspired to rectify her frontier, as Napoleon mildly put it, by seizing the west bank of the Rhine. Prussia was anxious to avenge her defeat by Napoleon at Jena, and to contest the supremacy of France. Both parties flew to arms with the fury of two rival football teams. The tension was such that a world in arms could not have preserved peace. France opened the war with the cry "on to Berlin," which in thirty days was changed to "anything to save Paris." Never was a defeat so sudden, so unexpected, so humiliating. The King of Prussia was proclaimed Emperor of Germany at Versailles, and Germany and France from that moment exchanged places upon the political map of Europe. France was crushed, and lost completely her ancient prestige. Her frontiers were indeed rectified—not as Napoleon had hoped, but by excluding her altogether from her possessions on the left bank of the Rhine. But Germany, notwithstanding the enormous indemnity exacted, reduced neither her taxation nor her armaments. Though the war was won by German blood and German money, the profits went to strengthen the rule of the army, and not to lighten the burdens of the people. It is true that Germany

has since increased enormously in population and in wealth, but how much of this is due to her successful war with France, and how much to peace at home, and the natural energy of her people, it is impossible to say. For Europe it was simply an exchange of masters—of German arrogance for French dictatorship. It is enough for our purpose that the war was solely to settle the question of supremacy, and that arbitration from the first was utterly impossible. One can imagine the grim smile of Bismarck if, after the celebrated interview at Ems between the King of Prussia and the French Ambassador, which amounted to a declaration of war, some neutral power had suggested the possibility of a peaceable arrangement, when the ambition of his life was about to be realized.

The conventions of The Hague Conference have not yet been adopted by any or at least by any considerable number of States, and are operative only as advisory, or as incorporated in subsequent treaties; but as already stated, these conventions and the treaties made in pursuance of them all contemplate that there are certain questions in the present state of civilization which cannot be arbitrated; and so long as these questions exist no general reduction of armaments, which it was the first object of the Conference to bring about, is possible. Large armies and constant preparedness for war are the result of a fear lest some other power or combination of powers may suddenly provoke a war, which the other party may be in no condition to meet. This is said to have happened very recently when Germany served notice upon Russia that she must withdraw her opposition at once to the annexation by Austria of Bosnia and Herzegovina at the peril of immediate invasion. Russia had no alternative but submission.

Formerly when armies were marched on foot, and there were no railways to expedite their movements, or telegraphs to transmit intelligence, it was weeks or months before the opposing armies were brought into actual collision; but with the ability which Germany is said to possess of mobilizing half a million of men in ten days, every man knowing exactly what he is to do, wars which formerly lasted for years may now be terminated in as many months. To maintain this state of readiness, enormous expenses are necessary to keep armies in training, and provide equipments for instant use. Ships cannot be built offhand, and if Germany believes it necessary to her interests to maintain a large navy, England and the other powers must do the same or incur the risk

of invasion. This is an actual but a melancholy necessity in the present state of enlightenment. Arbitration is not a remedy, because that contemplates the adjustment of an existing dispute. The only relief is in a treaty between the powers principally concerned for a reduction of armaments.

From time immemorial physical courage has won the admiration of mankind. The universality of the sentiment shows that it cannot be wholly wrong. Within reasonable limits it is worthy of all praise. The man who risks his life to save the lives of others, or who takes the lives of others to save his country, is a hero. We instinctively despise a coward, but with that instinct goes another that blood shall not be uselessly shed. Human nature has not materially changed during the historic period, but Christianity and the general education of the race has done much to restrain the outbreak of national passions, though in the present state of enlightenment, wars are almost as numerous as they were when Sicily was incessantly ravaged for two thousand years by the Greeks, by Byzantines, Romans, Saracens, Normans and Spaniards. There is an increasing dislike and dread of war, which in the progress of ages may lead to its abolition. But I fear that centuries must elapse before this consummation is reached. The principal motives which have brought about wars in the earliest historic periods are as potent as ever. They cannot be suppressed by arbitral tribunals, but may be limited by the growing destructiveness of war, by the increasing conviction that its greatest successes are an inadequate compensation for its horrors and miseries, and that the true road to national prosperity lies in the direction of international peace.

Meanwhile our efforts to bring about this consummation should never be halted. Much has already been done in this direction, but vastly more remains to be done. Armaments have not only not decreased, but never in the history of the world has there been such complete preparation and such readiness for war. They can only be met by increasing inducements to peace. No opportunity should be lost; no argument overlooked. The general agreement of nations to submit their differences to arbitration will doubtless contribute powerfully to fix public attention upon the subject and ultimately strengthen a general movement for a reduction of armaments. Indeed, wars are not more often the deliberate acts of the ruling powers of nations than of the ebullition of popular feeling, against which the people need to be educated as against other epidemics.

This should be the province of an educated press. But, unhappily, in their overweening desire for sensations, they are generally too willing to lend themselves to popular passions, and become the most uncertain and dangerous of political guides.

The excuse ordinarily given for the maintenance of large armies, that they give the most distinct assurance of peace, is fallacious. Large preparations for war by any power invite similar preparations by others to meet them, and a collision is ultimately certain to occur. While such preparations may secure immunity from attack by any single power, they are a distinct invitation to a consolidation of powers even more destructive to a general peace. The most strained relations of the present day exist between the two powers best prepared for war. It is a general rule that the man who is fully armed and prepared to defend himself is oftenest called upon to do so. The old adage that the man who is looking for trouble is apt to find it is as applicable to nations as to individuals. It is probably only a question of time when England and Germany will either come to blows or agree to a cessation of naval construction—an example which other powers will hasten to follow. The world has learned by sad experience that no reliance can be placed upon assurances of pacific intentions. however honest they may have been when made; and so long as a single nation persists in multiplying its preparations for war, its competitors must do the same.

In this new field of international litigation which is now opening, it is more than probable that the graduates of this school will be called upon to take a part. Many of my personal friends have already done so. Schools of international law and diplomacy are being founded for instruction in this branch of jurisprudence. It is a field which commands the finest legal talent in the world. In it you will be brought into contact with the greatest statesmen, the most learned scholars and the most distinguished publicists of Europe, Asia and the Americas. In its arena you will find the greatest possibilities of fame and fortune. In The Hague Court you will find the most dignified tribunal on earth, and in the cases brought before it the largest scope for the exercise of legal ability. Great principles of international law will be established as a guide for future generations, and little by little its authority will be extended to cases not now contemplated. While the prospects at present warn us not to be too sanguine of success, we may at least be hopeful, and recognize the fact that great results sometimes follow from sudden and unexpected causes. How proud

any one of you might be at the end of his professional life to say to himself—I too have contributed something to bring about an era of universal peace.

In saying this much of your opportunities in the promotion of international peace, I by no means intend to minimize the importance of your duty in the uplift of the political and civic life of your own country. Next to the debt which everyone owes to his own family is the obligation he owes to his own country. In this connection you will soon recognize the chasm between the politician and the statesman—between the man who pursues politics for what there is in it for himself, and the man who is drawn into it in the pursuit of certain ideals of his own. The two leading universities of this country have furnished conspicuous examples of the latter class. I need only to mention such men as Charles Sumner, whose devotion to the anti-slavery cause was the touchstone of a long political life; Andrew D. White, a contemporary of my own, who laid aside his life work of founding a great university to serve his country as Ambassador to Russia and Germany; Theodore Roosevelt, who became President first by accident and again by a general recognition of his patriotic efforts in the reformation of our political life—not to speak of other more recent graduates of Yale now prominent in public life who have sought in the discharge of their duties the realization of certain aims which had inspired them almost from boyhood as worthy objects of ambition.

When we see the quick response made by the people to men whom they believe to be animated by magnanimous and patriotic motives, we cannot but wonder at the failure of public men in general to recognize the fact that the great political rewards are reserved for those whom an unselfish devotion to the interests of the people has shown to be worthy of them.

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