

**CHAPTERS ON  
CURRENT INTERNATIONAL  
LAW AND THE LEAGUE  
OF NATIONS**

by  
Sir John Fischer Williams  
C.B.E., K.C.

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TIVE ON THE REPARATION COMMISSION, A LECTURER  
AT THE HAGUE ACADEMY OF INTERNATIONAL LAW.

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## PREFATORY NOTE

THE following papers have been written for the most part in the intervals of practical work, and thus represent views as to international law which a mind with an ordinary English professional training has formed in the course of international experience in the years 1920 to 1928.

If these papers have any unity, it is that of the sense of the supreme importance for international law of the work of the League, the commencement of the incorporation in human affairs of what were previously pious aspirations. At the same time this process of realisation involves certain reconsiderations, not so much of established doctrines of international law as of the relative importance of its provisions and of the lines of subsequent development.

We have been told on high authority that a lawyer who is not orthodox is no lawyer. This unquestionable truth must not however be applied in the sphere of international law in such a sense as to discourage inquiry and speculation. When law is once settled, there is no room for a person who seeks to argue that the law is not the law. When law is developing, the agitation of many and various views as to its course is surely to the advantage of mankind. The tenets of a school or of a teacher, however eminent, are open to discussion up to the moment when they pass into received and established law.

In the sphere of international law, since the end of

the World War, there has been more activity and greater advances have been made than in any previous comparable period of history. This activity and these advances show the necessity both of caution and of audacity. The needs of the world demand a bold advance, and the critical nature of the issues involved make a false step more perilous than ever before. Particularly is this true of the problems which centre round the League of Nations.

No one who watches the work of the League can be unconscious of the many difficulties which it has to meet, the many imperfections of its machinery and the human failings of those who use it—and of those who criticise it. At the same time no one who watches that movement can seriously doubt that the foundation of the League is a tangible and constructive embodiment of a perpetual striving of the human spirit. This will remain true, whether or not the present League is as successful as may reasonably be hoped and even if for a time it should disappear.

In the end, unless what seems to be the general course of mundane affairs is to be reversed, law must conquer anarchy in the international, as in the national, sphere. The League has inscribed in the Preamble of its Covenant, as one of the methods by which international co-operation, peace and security are to be promoted and achieved, 'the firm establishment of the understandings of international law as the actual rule of conduct among Governments,' and it has founded the Permanent Court of International Justice. But both the 'understandings' of international law and the methods of developing and revising those understandings are still in a primitive state, and their 'establishment' is not yet 'firm.' Hopes must not be taken for realities.

In some matters English conceptions of international law and its development are not the same as those of

our continental brethren, but that does not discharge English lawyers from the duty of contributing what they can—rather it increases it. After all, we in England can fairly claim to be no less law-abiding than any nation in the world; in no country is reverence for law more widely spread, or more firmly rooted in history and in literature. Our English methods have stood the test and we may have a justified, if patriotic, confidence in their general suitability—and specially as they have been developed in the constitutional and legal problems of the United States—for the wider international field.

‘If you take away law, all things will fall into a confusion.’<sup>1</sup> Our existing confusion cannot be remedied without the establishment and extension of law. But law is not the one thing needful. ‘Pax hominum ordinata concordia.’<sup>2</sup> For human peace we need not only the material ordering of law but also the spiritual temper of concord and harmony.

Dr. McNair has honoured me by allowing these papers to appear as one of the series of ‘Contributions to International Law and Diplomacy,’ published by Messrs. Longmans, of which series he is the editor. He has also been good enough to read the proofs of the work and to help with invaluable advice and criticism, by which I have not scrupled to profit. For all these things I owe him most sincere thanks.

My acknowledgments are due to the editors of the *American Journal of International Law*, the *British Year Book of International Law*, the *Revue Générale*

<sup>1</sup> The words are those of Pym, and are said to have been retorted against him by Charles I. (Clarendon, *His-*

*tory of the Rebellion*, Oxford, 1839, ii. 337.)

<sup>2</sup> Augustinus, *de Civit. Dei*, xix. 13.

*de Droit International Public*, and the *Bibliotheca Visseriana*, and also to the authorities of the Hague Academy of International Law and of the International Law Association, for their kindness in facilitating the republication (in most cases with not inconsiderable modifications and amendments) of articles which have appeared in their journals or of work done under their auspices.

J. F. W.

PARIS, 1929.

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‘ Ratio omnino docet pacem quaerere.’

SPINOZA, *Tract. Polit.*, III. 6.

‘ Quapropter possumus dicere, finem bonorum nostrorum esse pacem.’

AUGUST., *de Civit. Dei*, XIX. 11.

‘ The first and fundamental Law of Nature, which is to seek Peace and follow it.’

HOBBS, *Leviathan*, Part I, ch. 14.

“ Peace, which is the greatest blessing man can wish for in this life . . . a jewel so precious that without it there can be no happiness either in earth or heaven.”

‘ The method and language Don Quixote used in delivering himself were such that none of his hearers at that time looked on him as a madman.’

CERVANTES, *Don Quixote*, Part I, Bk. IV, ch. 10.