They condemn with all their power the premeditated violation of the solemn acts with respect to the neutrality of Belgium and Luxemburg, of the treaties, rules and customs regarding the conduct of war as well as of the laws of humanity. They condemn no less energetically the theory of necessity by which it is attempted to justify these acts.

But they are convinced that the restoration and the scientific development of international law must be pursued in a spirit of honest collaboration by jurists who are deeply imbued with the duty of respecting treaties and are seriously resolved not to admit any excuse for justifying the violation of a given pledge.

Upon the motion of Mr. de Lapradelle it was decided to put this declaration to a vote at the next regular session of the Institute, just as it had previously been agreed to put to a vote at the next session all action taken at the extraordinary session to avoid any question of their validity.

As was to be expected, some of the German members and associates have protested against the declaration, and in consequence Messrs. von Martitz, Meurer and Triepel have resigned.

The presidential elections in the United States turning in a large measure on the ratification of the Treaty of Versailles, suggested the postponement of the session of the Institute to be held at Washington. The Bureau has accordingly postponed the meeting. At present it is uncertain whether a session will be held this year or whether it will be postponed until the spring or summer of 1921. If the Institute is to survive and resume its noble career, interrupted by a war which has settled nothing and has unsettled much, it must perforce begin apace. Otherwise it will lose its most distinguished members and associates and with them its prestige. The Institute was needed in the past; it will be more needed in the future. It must meet and it should meet soon.

JAMES BROWN SCOTT.

AMERICAN SOLIDARITY

On April 21, 1920, the distinguished and farsighted President of the Republic of Uruguay, Dr. Baltasar Brum, delivered an address on American solidarity before the University of Montevideo.

The address was not born of the moment and did not content itself with vague and uncertain generalities. It spoke of the policy of the past as a means of forecasting the future policy of his country and

of the American Continent, of which each American Republic is to be regarded as an integral and equal part. It laid down this policy in general terms and formulated it in express and specific terms in six numbered paragraphs. These conclusions are in effect a summary of the views expressed by Dr. Brum in the course of his address and the address itself can be taken as a philosophical justification of the six articles with which it concludes. These conclusions of the learned statesman of the sister republic are:

(a) All American countries will consider as a direct offense that which might be inflicted, by extra-continental nations, to the rights of any of them, originating the offense therefore a uniform and common retaliation.

(b) Without prejudice to an adherence to the League of Nations, an American League should be formed on the basis of absolute equality of all the associate countries.

(c) No question, which, according to the laws of the country, should be judged by its judges or courts, can be taken out of its national jurisdictions by way of diplomatic appeals and these would only be admitted in case of flagrant injustice.

(d) Any son of a foreigner born in the American Continent will be considered a citizen of the country he is born in, excepting the case where, having attained majority and finding himself in the country of his parents, he should choose to belong to this country.

(e) All controversies, of any nature whatsoever, and which for any reason might arise amongst American countries should be submitted to the arbitration of the League, when these cannot be solved directly by friendly mediation.

(f) Should any American country have any controversy with the League of Nations it can ask for the coöperation of the American League.

These conclusions are well worth serious consideration. They are not merely the ideals of the man of ideals, but they are the maturely formed and authoritatively expressed terms of a continental policy of a seasoned statesman, speaking with the weight and responsibility of the presidency of one of the most enlightened of American Republics.

Before taking up the address in so far as it may be necessary in order to justify in Dr. Brum's opinion the conclusions which naturally and inevitably flow from his discourse, it is well to dwell for a moment upon his views upon the teaching of international law, in which the readers of this JOURNAL will be interested and with which they will doubtless agree. "I think," he says, "that the teaching of this subject—so as to carry out successfully its vast program—should not be limited to the history of international law and to the study of the

doctrines dogmatized by eminent writers, but rather that it is necessary to fertilize both with ample comments on our foreign policy in the past, in the present and in the future, in which comparisons may be drawn, advantages and inconveniences pointed out, and the precedents and lawful standards be compared with the conditions existing in our own position."

The advantage of such a method would be to prepare future diplomats and to familiarize them with the important problems of the foreign policy of Uruguay, and enable the public men charged with the foreign policy of the future to solve these problems in accordance with principles of justice and a due regard for the interests of the country. Dr. Brum states his intention of indicating "the fundamental lines of the conduct which, in my [his] judgment, should be adopted by our country in the face of present day important questions." He is, however, fair to his hearers, warning them not to expect an immediate fulfilment of the ideal "since it is necessary to bear in mind that sometimes insurmountable difficulties arise, created at determined moments by powerful interests, moral or material, which must be respected." He has the conviction, however, that the standards which he advocates "will outweigh all minor inconveniences and will make it possible for the American Continent, free from partisan hatred and pernicious race prejudice, to be capable of having influence to attenuate the arrogant rivalries that now ruin the European countries and jeopardize the well-being of the world." Nay, more, he believes "that America will be able, through her democracy and her idealism, placed at the disposal of a broad-minded solidarity and of a convenient organization, to contribute to the restoration of the oppressed races to the full exercise of their sovereignty." His belief is nothing more nor less than that the policy which he advocates will carry into effect the boast of Canning, that he called the New World into existence to redress the balance of the Old.

How is this to be done? In the first instance by Pan-Americanism, to which every American Republic shall be a party. There is, of course, no doubt in the mind of every American publicist to the south of the Rio Grande that the twenty states of Latin origin should be united by moral bonds and face the world together. Without the United States this would be Latin-Americanism: it would not be Pan-Americanism. But Dr. Brum is an advocate of Pan-Americanism and he therefore stands for the inclusion of the United States. He

is not without misgivings, for the monster to the North—the phrase is the writer's, not Dr. Brum's—"may have been unjust and harsh with some of the Latin countries," to quote Dr. Brum's language. Nevertheless, the great Republic seems to have mended its ways and is more inclined to a juster policy towards its neighbors to the South. Dr. Brum does not go into particulars, but perhaps the freeing of Cuba, and the evacuation of that country after having secured its liberation from Spain by force of arms may be an indication that the sense of justice, which is supposed to pervade little states, is beginning to prevail in the practice of one of the large ones. The withdrawal of an army of occupation a second time from Cuba may be a second instance of improvement. As to this, one cannot say, as Dr. Brum has not given examples of the change for the better. He has, however, mentioned the entrance of the United States into the World War, generously and justly "to defend the rights of all peoples and among them the independence and territorial integrity of the American countries, over which hung a cloud of danger if Germany, victor over Europe and without further control, should desire to extend her supremacy over the whole world, an aspiration which formed part of her vast imperialistic plans."

But although the Latin-American States must not dwell "on the memory alone of previous grievances" and must recognize "that nations as well as men may enjoy the right of evolution towards Goodness," the United States cannot expect to share in Pan-Americanism, unless "the powerful nation of the North decides to carry on a policy of justice and equality with its American sisters."

"Pan-Americanism," Dr. Brum says, and rightly it would seem, "implies the equality of all sovereignties, large or small, the assurance that no country will attempt to diminish the possessions of others and that those who have lost any possessions will have them rightly returned to them. It is, in short, an exponent of deep brotherly sentiment, and of a just aspiration for the material and moral aggrandizement of all the peoples of America."

The next step toward realizing Canning's ideal is the frank recognition of the existence and the acceptance of the Monroe Doctrine by every American Republic. Dr. Brum is again generous, saying explicitly that "the European conquests were until now obstructed by the influence of the Monroe Doctrine;" and that because thereof "European countries looking for expansion have preferred to satisfy

their ambitions or necessities with the aid of easier solutions offered them by the almost indefensive territories of Asia, Africa and Oceania, which also possess great natural wealth."

The Monroe Doctrine has therefore constituted "on the whole," Dr. Brum says, "an efficacious safeguard to the territorial integrity of many American countries," a fact clearly seen in German propaganda, which in case of victory would have reached "out to effect the conquest of the rich American soil, without fear, then, of the power of the country of Washington."

The entry of the United States into the war not only rid the United States of "the German peril" but also all American countries "threatened by the ambitions of Pan-Germanism." And because of the exhausted state of Europe after the war, America is freed from the fear of invasion from that quarter for many a year. The Monroe Doctrine is not needed for the present. Should the American Republics reject the doctrine on the pretext that it is now unnecessary? No, replies Dr. Brum, because "the Monroe Doctrine is the only permanent mark of solidarity of one American country to the others of the Continent." It is the only permanent one because it is the only one that has stood and still stands the test of time.

Should the doctrine be rejected because it is in the interest of the United States and is obnoxious to the nations of America, constituting a sort of protectorate over them? No, again says Dr. Brum. "It is not reasonable," he wisely adds, "to inquire if generous acts benefit or not the country that realizes them. . . . All that should be considered, therefore, is the good they produce." The doctrine is beneficial to every American state which could count upon the "help and support from the country of Washington." It is also a practical and efficacious proof of true solidarity.

To overcome the susceptibility of an American country, protected by the Doctrine without a request to the United States to intervene in its behalf, Dr. Brum proposes that "the American countries make a similar declaration to Monroe's, binding themselves to intervene in favor of any of them, including the United States, in case they should be engaged at war with an oversea country in defense of their rights." The result of such a declaration would be to enhance the dignity of each American state and to place all "on a footing of perfect moral equality with the United States." For example, if Uruguay were attacked by a European country, the United States and the other

American countries would intervene in its defense, and if the United States were attacked, Uruguay "with its brother countries of the continent would join in action against the unjust aggressor." In this way, he says, "the Monroe Doctrine, proclaimed as a standard of foreign policy of the United States, would become a defensive alliance between all the American countries, founded on a deep sentiment of solidarity with mutual obligations and reciprocal advantages for all concerned."

To the criticism that the Doctrine has "not served to avoid the inter-American imperialism, or European interventions for the purpose of obtaining compulsory payment of their credits, or substituting the republican governments by the monarchical," Dr. Brum replies that Monroe's declaration had no other purpose "than that of preventing territorial expansion of Europe in America, for reasons connected with the security of his own country and sentiments of solidarity and sympathy with the new nations of the Continent."

The doctrine, Dr. Brum continues, has nothing to do with inter-American conflicts which for the most part arose from the uncertain boundaries of the American countries. Wisely the United States refused to intervene in such matters, and Monroe with great foresight limited himself to preventing European conquests, "leaving matters concerning inter-American boundaries to be settled by the interested countries themselves, in a way they should consider most in conformity with their interests." American solidarity, not the Monroe Doctrine, is the defense against inter-American imperialism.

For like reasons, it was the part of wisdom, on the part of the United States, not to invoke the Monroe Doctrine to prevent the collection by force of debts due from American to European countries. Otherwise the United States would seem to be intermeddling in the internal affairs of the American states. However, the United States on various occasions made it clear that the collection of such debts should not be made the pretext for territorial acquisitions and offered its good offices to prevent such possibilities. The Drago Doctrine, not the Monroe Doctrine, is to be invoked in such cases.

With these questions out of the way, Dr. Brum states the attitude that the American states should assume towards one another and thus describes rather than defines American solidarity. And he is fortunate to single out his country and the action which he himself recommended shortly after the entry of the United States into the World

War as the attitude to be followed by all American states in the future.

Thus, in a note to the Brazilian Minister at Montevideo, dated June 12, 1917, Dr. Brum, then Uruguayan Minister of Foreign Affairs, said:

United as the nations of the New World are by eternal bonds of democracy and by the same ideals of justice and liberty, the logic of principles and interests, for better securing the efficiency of the former and the free development of the latter, must necessarily determine, in the presence of the events that actually affect the world, a close union of action, so that an attack against any of the countries of America, with violation of the universally recognized precepts of international law, may constitute an offense to all and provoke in them a common reaction.

Six days later, on June 18, 1917, this doctrine was embodied in a decree of the Uruguayan Government which should be and is set forth in full:

Considering: That in various communications the Government of Uruguay has proclaimed the principle of American solidarity as the regulator of its international politics, understanding that any contravention of the rights of a country of the Continent should be so considered by all and provoke in them a uniform and common reaction; That in the hopes of seeing the realization of a determination in that respect between the nations of America, which may make possible the practical and efficient application of said ideals, the Government has adopted an attitude of expectation as to its action, though signifying in each case its sympathy towards the continental countries which have found themselves obliged to abandon neutrality:

Considering: That until such an agreement is created, Uruguay, without contradicting its feelings and convictions, could not deal with the American countries which in the defense of their rights should find themselves engaged in an international war as belligerents;

Considering: That the Honorable Senate is also of the opinion,

The President of the Republic, with the full concurrence of his Ministers,

DETERMINES:

First: To declare that no American country which, in the defense of its rights, should be in a state of war with nations of other continents, shall be dealt with as a belligerent.

Second: To direct that no dispositions in opposition to the present resolution be carried into effect.

Dr. Brum's policy is a paraphrase of the famous line of Terence, *Homo sum: humani nil a me alienum puto.* I am an American and nothing that concerns America is foreign to me.

And there is much to be said for the poet and the statesman.

"What superior authority" is to decide whether the action of "an extra-continental nation is or is not against the rights of Americans?" Dr. Brum asks. An American League of Nations, he answers. In what may be called the universal League of Nations the American states are inadequately represented, and a league composed of an overwhelming majority of non-Americans should not pass upon purely American questions. Of course, Dr. Brum does not have in mind the Assembly of the League of Nations, where every state is represented by a single and equal vote. In this body America would have at least twenty-one votes. He means the Council, which at present consists of nine members, five appointed by the Principal Allied and Associated Powers (of which the United States may be but is not yet one, as it has neither ratified nor adhered to the League as yet), and four members to be elected by the Assembly. They were appointed by the Conference of Paris until an Assembly of the League should be held. They are a representative of Belgium, Brazil, Greece and Spain. That is to say, at most two American members, supposing that the United States enters the League and that either Brazil or some other American state is elected to the Council.

In view of the fact that the "validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe Doctrine, for securing the maintenance of peace," to quote the exact language of Article 21 of the Covenant, is not to be affected by anything in the Covenant, an American League is, in Dr. Brum's opinion, necessary. It would have been necessary if there had been no universal league; it is doubly necessary now that a universal one has been created.

But Dr. Brum's views on this point should be given in his own words. He says:

> The organization of this League is in my opinion a logical sequence to the Versailles Treaty of Peace, which in recognizing and expressly accepting the Monroe Doctrine, seems to be desirous of limiting its sphere of action as far as American affairs are concerned.
>
> On the other hand the Supreme Council of the League of Nations is formed, principally, by the delegates of the Great Powers, having excluded from it nearly all the American countries. These countries need therefore organize a powerful organization that will look after their interests in the decisions arrived at by the League of Nations, and that organization can be no other than the American League, based on the absolute equality of all the associate countries.
>
> The American League would therefore have the following double purpose:

Occupying itself with the conflicts with the extra-continental countries, and besides, of those that might arise amongst the associate countries.

The first purpose would greatly benefit the countries of the League by means of a powerful organization, which would act in the interests of their rights. As far as the second is concerned the harmonious and just action of the American League would avoid European intervention in our affairs.

Why not strengthen the Pan-American Union, composed of an official representative of each of the American Republics on a footing of absolute equality, instead of another body?

To which Dr. Brum could, New England fashion, ask in turn: Why not strengthen the Hague Conferences composed of official representatives of each member of the Society of Nations on a footing of absolute equality instead of another body?

The undersigned is unable to answer this question, but he can and he does commend Dr. Brum's address to American and foreign readers.

JAMES BROWN SCOTT.

TWO NEW JOURNALS OF INTERNATIONAL LAW

Every journal of international law is a step towards the rule of law between nations and the founding of every review of international law is in this sense an event of no mean kind. There will one day be a strong and influential society or academy of international law in every American Republic, and it is to be hoped that there will be a journal or review of international law issued as the organ of each such society or academy. Of course we know and insist that international law is universal and that it cannot differ in different countries without ceasing, to that extent, to be international law. Why then advocate a magazine for a system of law, admittedly universal, in each American Republic. Why confuse the reader with twenty-one periodicals for a continent when one would suffice? The answer is not difficult. Each prefers his own, "a bad child, but mine own," said Shakespeare. "A good child and mine own," every one of the Republics of America will be able to and therefore one day will say, This is the personal factor which makes us cling to our own family, our own country, our own Continent.

There are other reasons. One is that the rules of international law are not self-interpreting. In the absence of a higher authority, such as an international court of justice, every nation is bound to interpret