

The German note of November 29, 1915, contains the following answer on this point:

The German Government quite shares the view of the American Government that all possible care must be taken for the security of the crew and passengers of a vessel to be sunk. Consequently, the persons found on board of a vessel may not be ordered into her lifeboats except when the general conditions, that is to say, the weather, the condition of the sea, and the neighborhood of the coasts afford absolute certainty that the boats will reach the nearest port. For the rest the German Government begs to point out that in cases where German naval forces have sunk neutral vessels for carrying contraband, no loss of life has yet occurred.

No further correspondence upon the *Frye* case has been made public up to the date of the present writing.

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#### THE GROTIUS SOCIETY

The papers read before the Grotius Society in the year 1915, which is the first year of its existence, deal with the problems of the war, and the volume containing the papers, which is the first, it is to be hoped, of a series, might properly be made the subject of a book review. It is believed, however, better to devote a short comment to the Society and the nature of its work, allowing the papers to speak for themselves and to leave the interested reader free to form his own judgment upon them. The point to bear in mind is that leaders of thought in Great Britain have been minded to form a society of international law, which, in the language of the rules, "shall be a British Society and its meetings are intended to take place in the United Kingdom." In the very interesting introduction, written by Henry Goudy, the distinguished Regius Professor of Civil Law in the University of Oxford and Vice President of the Society, the reason for this action is thus stated:

The object of founding the Society has been to afford an opportunity to those interested in international law of discussing from a cosmopolitan point of view the acts of the belligerent and neutral states in the present war, and the problems to which it is almost daily giving birth. Had the International Law Association, whose seat is in London, been able to carry on its work, there would hardly have been need for such a society, but that influential body embraces among its members a considerable number of foreigners of different nationalities, both belligerent and neutral, and its activity is for the time being embarrassed. Even could it meet, its discussions would probably be embittered or wanting in that spirit of harmony essential to any satisfactory result.

The Grotius Society is intended to be restricted, as regards membership, to British subjects; it is to be a purely British Society. In this respect it will follow the example of the Association of International Law in the United States, which has an established position in that country and has done good work. Our Rules, however, enable us to elect, as occasion offers, foreign international lawyers as honorary and corresponding members, and also to invite non-members to read papers to us and take part in our discussions on proper introduction.

The purpose of the present comment is to explain the nature and purpose of the Society and to congratulate its members upon the action which they have taken in founding a Society, which will, it is hoped, survive the war, contribute to the development of international law, promote its understanding and its study, and popularize its principles, for these appear to be the purposes set forth in Article 2 of the Rules:

*The objects of the Society shall be to afford facilities for discussion of the laws of war and peace, and for interchange of opinions regarding their operation, and to make suggestions for their reform, and generally to advance the study of international law.*

As pointed out in another comment, the formation of national societies of international law is of good omen, because, if democracy or representative government is to take over foreign affairs or is to exercise a controlling influence in the future, as it has not done in the past, the people of each and every country belonging to the society of nations must fit itself for the responsibility they thus assume. It was a wise remark attributed to the Right Honorable Robert Lowe upon the passage of the second Reform Bill, that we must now educate our masters, and monarchs and ministers for foreign affairs must learn that the people of their country are not merely masters in domestic affairs, but likewise masters in foreign affairs, and that the reasons which led the people to take domestic affairs into their own hands must inevitably lead them also to take over foreign affairs.

Now, there should be many agencies to show the people of any and every country their duties as well as their rights, for it is a fact frequently pointed out by Mr. Root, that people are better instructed in their rights and are more tenacious in maintaining them than in their duties; yet, if we are one day to have the conduct of nations governed by law, the people must needs understand their duties under law and be as scrupulous in their performance as they are tenacious of their rights. Systematic instruction in the school, the college, and the university is one way of reaching different classes of people. Another and

a broader way, perhaps, is through the creation of societies of international law with popular membership, in order that the principles of international law shall be discussed together and a knowledge of the principles disseminated. But, without attempting to single out one method of reaching a public to the disadvantage of another, we should welcome all, and the founding of the Grotius Society, happy alike in its name and its rules, should be a subject of congratulation to those believing in the importance of national societies.

It is encouraging to note that in Professor Goudy's introduction to the first volume of the Society's proceedings, reference is made to a distinguished German philosopher; that his views are quoted in German; and that these views meet with outspoken approval. The editors of the little volume express the belief that the war problems, with which the papers deal, "are considered in a spirit detached from a narrow national standpoint and in accordance with those principles of international law which rest on the general consent of civilized nations." The quotation from Immanuel Kant would seem to be in line with this belief, and Professor Goudy's statement concerning the violation of international law by all belligerents is a further evidence of the spirit of inquiry animating the members of the Society and their desire to discover truth even although it may condemn their own government.

Without dwelling upon the contents of the proceedings, it is believed that the readers of the *JOURNAL* would be glad to have some extracts from the introduction written by Professor Goudy freed from comment. The following passages are therefore quoted:

The era of perpetual peace among civilized nations is indeed still a long way off—much further than pacifists too hastily suppose—but it is none the less the ideal goal of international law. It is not a mere dream of poets and philosophers. It is—

"The vision whereunto

\* \* \* \* \*

Toils the indomitable world."

In the present frightful conflagration the goal may seem to have been thrown immeasurably back, but international law, despite the manifold and flagrant disregard of its rules, will not be overthrown. It needs no great gift of prophecy to foretell that once peace is obtained there will be an immense change in the attitude of the peoples of Europe towards wars and the causes that lead to wars. For good or evil there will be a powerful trend towards socialism. Immanuel Kant, in his well-known essay on "Perpetual Peace among States," has said that the only form of government by which such peace can hope to be realized is the republican, *i. e.*,

one in which the people participate in the making of laws, and that international law must be based on a federation of such free states.<sup>1</sup>

There is only room for a further quotation, the brief paragraph in which Professor Goudy condemns the violation of international law by "each and all of the belligerents," whether the belligerent be British or foreign, and rejects the excuses which have been pleaded in justification of the violation of rules of international law:

What strikes me as one of its saddest features is the comparative indifference with which well-established rules of international law have been violated by each and all of the belligerents, when they have run counter to their apparent material interests. The loss of moral force and self-respect by the wrong-doing state seems to be regarded as unimportant when set off against its material interests. Thus, the carefully-drafted rules of the Hague Conventions and the Declaration of London have been in large measure, to use a vulgarism, "scrapped"; even the time-sanctioned declarations of the Treaty of Paris have not, in the matter of blockade, escaped violation. Excuses and defences for such violations have, no doubt, been set up, but as a rule they are of a kind that international law ought emphatically to reject.

JAMES BROWN SCOTT.

#### THE CHINESE SOCIAL AND POLITICAL SCIENCE ASSOCIATION

On December 5, 1915, the first meeting of the Chinese Social and Political Science Association was held in Peking, at the residence of His Excellency Lou Tseng-tsiang, Premier and Minister for Foreign Affairs of the Chinese Republic. At the meeting the constitution of the association was adopted, which, by reason of its interest, is printed in full as an appendix to this brief notice; and the officials for the first year were chosen as follows: President, His Excellency Mr. Lou; First Vice President, His Excellency Paul S. Reinsch, American Minister to China; Second Vice President, Mr. Tsao Ju-lin, Vice Minister for Foreign Affairs; Secretary, Mr. C. C. Woo, Counsellor to the Ministry for Foreign Affairs.

Article IV of the constitution states that "each member will then [after payment of entrance fee] be entitled during his membership to a

<sup>1</sup> [Professor Goudy's footnote: See Kant's Werke (Ed. Hartenstein, 1868), vol. vi, p. 408 et seq., "Die bürgerliche Verfassung in jedem Staate soll republicanisch sein," and "Das Völkerrecht soll auf einen Föderalismus freier Staaten gegründet sein."] In this there is much truth. The peoples, if they are to escape destruction by wars, must have the control of foreign policy and the issues of war and peace entirely in their own hands.