

Yet the view that the insistence on the rights of neutrals is a recognition of the possibility of war in the traditional sense cannot be gainsaid. The evidence indicates, however, that the possibility of war is an important factor in the national policy of all the major Powers. In this policy, the League of Nations, in spite of Articles XI and XVI, appears to have made no material change. Possibly a League with larger powers and functions might do so. Whether the ratification of the proposed Kellogg treaties will achieve that result cannot yet be determined. It would seem that the only alternatives to the continued recognition of the rights of neutrals are either an international organization which alone shall have the power to authorize the use of force under all circumstances, or else the complete abolition of war. The United States can surrender its traditional neutral rights only to an international organization which shall centralize and control the use of force, a contingency constituting a veritable revolution in international relations. It will be recalled that Great Britain declined to accept the Geneva Protocol of 1924, which contemplated all sea power as an international police force. The abolition of war has, by virtue of the Kellogg proposals, entered the field of politics. The abolition of war would obviously terminate the status of neutrality. But until either of the two alternatives mentioned has been achieved, it seems most practical to rely for progress upon the strengthening of law as developed through the centuries for the government of international relations, with conventional changes and modifications as human welfare and circumstances require. It is to this practical end that the Borah resolution looks. In its proposed restoration and substitution of law for force, it should command general support.

EDWIN M. BORCHARD.

THE THIRD CONFERENCE OF TEACHERS OF INTERNATIONAL LAW

The Third Conference of Teachers of International Law met at the Carnegie Institution in Washington on Wednesday and Thursday, April 25-26, 1928. Inaugurated in 1914, on the initiative of the Carnegie Endowment for International Peace and the American Society of International Law,¹ and continued in 1925 on the initiative of the teachers themselves,² these meetings would seem now to have become a recognized means of cooperation among American teachers of international law in the advancement of their science.

The conferences have been devoted both to problems of instruction and to problems of research. At the Third Conference this year, after meetings of committees created by the Second Conference in 1925 and a plenary session to receive and act upon committee reports, the program consisted of two

¹See Conference of 1914, Proceedings, pp. 1, 4.

²See Conference of 1925, Proceedings, p. 1.

round table meetings devoted to subjects chiefly of pedagogic interest and a third devoted to the methods and materials of research. The subject for discussion at the first round table meeting was phrased as follows: "The aim and scope of courses in international law in the colleges, the graduate schools, and the law schools." Professor Ellen Deborah Ellis, of Mount Holyoke College, opened the discussion with a valuable statement of the problem from the viewpoint of the undergraduate college. Dean Charles E. Martin, of the University of Washington, contributed a suggestive discussion from the viewpoint of the graduate school. Professor Manley O. Hudson, of the Harvard Law School, read a somewhat more formal paper, entitled "The Teaching of International Law in America," in which he presented an original review of the history of international law teaching in America from the rise of American independence to the present day. Professor Hudson described the present period as one characterized by the rise of international organization, and concluded that our task in this period requires a greater professionalization of the subject than hitherto. He suggested that the professionalization of international law should devolve principally upon the law schools, that the study of international organization and relations is chiefly the task of the social science departments of our colleges and universities, and that there should be close coöperation between teachers working in these allied subjects. In the discussion which ensued there was a difference of opinion with respect to the extent to which international law, properly so-called, could be taught with profit in college courses in political science. While the difference may have been chiefly one of emphasis, the lines at some points were rather sharply drawn.

The second round table meeting discussed "The distribution of international law among the laws of peace, war, and neutrality, and the relative emphasis upon each in college, graduate, and law school courses." Thought-provoking papers were presented by Professor Phillips Bradley, of Amherst College, Professor Pitman B. Potter, of the University of Wisconsin, and Dean Charles K. Burdick, of Cornell University Law School. In the opinion of many of those present, the discussion tended to discredit both the logic and the convenience of the traditional tripartite division of international law. As regards relative emphasis, however, there was again a rather sharp difference of opinion. All agreed that the study of peace, war, or neutrality, or of any aspect of one or more of these traditional divisions of the subject, is appropriate in a well-equipped graduate school. The law school teachers who spoke were inclined to doubt the need for giving any substantial place to the materials on war and neutrality in a professional law school course. There was no agreement with respect to the proper emphasis in colleges, though the opinion seemed general that in the past too much emphasis had been placed upon war and neutrality and that in the future more attention should be given to the law of peace.

The third round table meeting attacked a rather formidable subject

formulated as follows: "The facilities for the study of international law and the integration of research in international law with investigations in related subjects, such as history, geography, economics, international politics, and international organization. Are functional studies feasible?" Professor Kenneth Colegrove, of Northwestern University, presented a most useful report on the results of experience at his own institution in the collection and study of Japanese sources. A very suggestive discussion of the possibilities of functional studies in international law was contributed by Dr. Philip C. Jessup, of Columbia University. Professor George Grafton Wilson, of Harvard University, spoke interestingly and entertainingly upon research as distinguished from the gathering of information. At the conclusion of discussion at this round table meeting, the Conference returned, in a closing plenary session, to a question of the documentary facilities for study which had been raised the day before at the meeting of the Committee on Publications.

When the Committee on Publications met the day before it had before it a prepared statement on "The Department of State and the Teaching of International Law and International Relations" submitted by Professor Hudson, of the Harvard Law School. This statement raised the whole question of the present state of international relations documentation in America and of the service which our State Department might render to students and teachers of international law and relations if its work were adequately supported. The Committee on Publications had made a preliminary report at the first plenary session of the Conference and the question had been referred for a final report at the closing session.

There was a striking manifestation of interest in the matter throughout these proceedings. On the general question the Conference was unanimous and insistent. Debate turned almost entirely upon the means by which the desired end should be achieved. At its closing session the Conference voted unanimously a resolution urging more adequate documentation of American foreign relations, and created a special committee under the chairmanship of Mr. Roland Morris, of Philadelphia, to confer with the President, the Secretary of State, the appropriate Senate and House Committees, and others with respect to the attainment of the desired objectives.

The immediate fruits of this action can hardly be foreseen. Whatever the immediate results, however, the students and teachers of international relations are now articulate. They will certainly be insistent. It is not to be doubted that we shall eventually see progress of inestimable advantage, not only to those for whom the documentation of foreign relations provides the necessary raw material, but also to the government itself, which must rely increasingly in its conduct of foreign affairs upon an alert and informed public opinion.

The Third Conference also approved a tentative plan prepared by its Committee on Publications, under the able chairmanship of Professor Edwin

M. Borchard, of Yale University Law School, looking toward the systematic publication of decisions of municipal courts dealing with questions of international law in the principal countries of the world. It also voted unanimously to continue without substantial change the organization created by the Second Conference in 1925. Professor Edwin M. Borchard was elected Director of the next Conference,* Professor Charles E. Hill, of George Washington University, was made Chairman of the Executive Committee, and Professor Pitman B. Potter, of the University of Wisconsin, was chosen Chairman of the Committee on Publications.

The conferences of international law teachers would seem to have served at least two useful purposes. In the first place, they have rendered the teachers as a group periodically articulate. Plans for improved documentation afford an excellent indication of what organized coöperation of this kind may accomplish. In the second place, they have provided a clearing-house for the exchange of ideas and experiences, a forum in which discussion rather than decision is the thing desired. The proceedings published for each conference by the Carnegie Endowment for International Peace will be found to be a valuable record of this mutual interchange and discussion.³

The conferences have grown with the growth of international law teaching in America.⁴ At the First Conference in 1914 there were present 44 teachers from 41 institutions; in 1925 there were 62 representatives from 54 institutions; and in 1928 more than 100 representatives came from no less than 93 institutions.

At the Third Conference the United States Bureau of Education designated Mr. J. F. Abel as its representative, while the Department of State was ably represented by Mr. Tyler Dennett. The presence of these gentlemen created an atmosphere of sympathetic coöperation on the part of governmental departments and occasionally helped the Conference to work with due regard for the probable limits of practicable achievement. For the first time the Conference became truly international through the participation of Professor Norman MacKenzie, of the University of Toronto. Within the United States, every type of institution and all parts of the country were amply represented.

Wide representation at the Third Conference was made possible, as at preceding conferences, by the action of the Carnegie Endowment for International Peace in providing a subvention sufficient to partially reimburse

* Professor Dickinson stated that he was unable to serve longer as Director, and the Conference unanimously adopted a motion thanking him for his great and valuable services as Director of the second and third conferences.—MANAGING EDITOR.

³ See Conference of American Teachers of International Law, 1914; Second Conference of Teachers of International Law, 1925. The Proceedings of the Third Conference are in press.

⁴ See a significant report on the "Teaching of International Law in the United States," in annual report of the Director of the Division of International Law, Year Book of the Carnegie Endowment for International Peace, 1928.

those in attendance for the necessary travelling expenses. The Endowment's relation to the Conference, it should be added, was a most happy one. At the request of the Director of the Conference, the essential preparatory work and all matters of administrative detail were handled in the office of the Endowment's Division of International Law. Detailed studies of institutions and personnel were made and arrangements perfected most efficiently under the direction of Mr. George A. Finch, Assistant Director of the Division.⁵ And all this was done without the slightest suggestion as regards what the Conference should be or how it should direct its efforts. Such a happy combination of efficiency in administrative arrangements with complete abstention from anything that might influence program or policy affords an example which even the administratives of some of our educational institutions might consider with profit.

The decision to continue the permanent organization was taken in anticipation of a fourth conference to be convened after another interval of perhaps three or four years. Professor Borchard's acceptance of the Directorship was a source of universal and genuine satisfaction. Given the same interest and enthusiastic coöperation on the part of the teachers which have characterized preparations for the previous conferences, it may be confidently predicted that future conferences of the Teachers of International Law will not only continue effectively the work already begun, but will find new fields of useful endeavor.

EDWIN D. DICKINSON.

AN ANNUAL REPORT BY THE SECRETARY OF STATE—A SUGGESTION

At a meeting of the Third Conference of Teachers of International Law, held in Washington on April 25, 1928, a suggestion was made that the publications of the Department of State should be greatly enlarged, and that they should include an annual report by the Secretary of State.¹ The reasons for the latter suggestion and the purpose which such an annual report by the Secretary of State might serve, were not fully discussed at the conference and it may be useful to explain them in some greater detail.

With the exception of the Department of State, all of the executive departments of the Government of the United States publish annual reports. The Secretary of Agriculture, the Secretary of Commerce, the Secretary of the Interior, the Attorney-General, the Secretary of Labor, the Secretary of the Navy, the Postmaster-General, the Secretary of the Treasury and the Secretary of War, all make annual reports to the President. The heads of most

⁵ See the report cited, note 4 *supra*.

¹ See Manley O. Hudson, "The Department of State and the Teaching of International Law and International Relations," in the Proceedings of the Third Conference of Teachers of International Law, 1928.