

EDITORIAL COMMENT

GEORGE A. FINCH

September 22, 1884–July 17, 1957

George A. Finch died on July 17, 1957, at the age of 72. A pillar of the American Society of International Law has fallen. For nearly half a century he had an active and essential part in its work. His last appearance was at the Annual Meeting in April, 1957, when he delivered an address on "Navigation and Use of the Suez Canal."

He was Secretary of the Board of Editors and Assistant Secretary of the Society, 1909–1924, managing Editor and Secretary, 1924–1943, Editor-in-Chief and Vice-President, 1943–1953, Honorary Editor-in-Chief and Honorary Vice-President, 1953 to his death. During these stirring periods, including two world wars, he was a constant contributor to the *JOURNAL* by way of editorials and leading articles besides addresses at annual meetings. These papers cover a remarkable range in the field of international law. Gathered together they would make an impressive exposition of the principles of international law and practice. Anyone who has worked on the *JOURNAL* knows the high quality required of the papers printed therein, mostly prepared by experts on the subjects treated, and it is the duty of the Editor-in-Chief to examine them with critical care. He once remarked that his work on the *JOURNAL* meant more to him than several years of graduate study at a university.

He graduated in the class of 1907 from Georgetown University Law School and on June 10, 1957, was among the golden jubilarians who received citations from the University in celebration of the anniversary.

Finch was a law clerk in the State Department at the time Dr. James Brown Scott, the prime mover and originator of the Society in 1905, was Solicitor for the Department. In 1909 Finch was assigned as secretary to the United States Commission to Liberia and aided in the preparation of its report. Later when the new office of Counselor was created he was assigned there. Recognizing Finch's abilities, Dr. Scott, when he left the Department of State in 1911 to become the first Secretary and Director of the Division of International Law of the newly organized Carnegie Endowment for International Peace, took Finch with him. Thereafter Finch was the power behind the throne at the Endowment and also in the Society of which Dr. Scott was then Secretary and Managing Editor of the *JOURNAL*. I heard it said at the time that Dr. Scott was a misfit for the Carnegie job but Finch replied that it was his job to see that this did not prove to be true. And he kept his word.

Though the *JOURNAL* was an exacting endeavor and required meticulous attention which Finch gave tirelessly and enthusiastically over the years, the Carnegie Endowment with its ramifications in all phases of the world peace movement was his soul-consuming job. His sound judgment and apt-

ness in appraising a complex situation—unusual for a man so young—as well as his earnestness of purpose bespoke a successful future at the Endowment. He was assistant Secretary and Assistant Director of the Division of International Law to 1940 and upon the retirement of Dr. Scott, he was elevated to Secretary and Director and was made a Trustee of the Endowment. He was given responsible assignments and made the most of these opportunities.

When the United States entered the first World War the Endowment offered its services to the government and Finch was pressed into service on special occasions. Thus, he was an expert on international questions attached to the War Industries Board in 1918. After the United States entered the war he was secretary and assistant to the State-Navy Neutrality Board which rendered opinions on various war questions for the information of the Secretary of State. After the Armistice he was named Assistant Legal Adviser to the American Commission to negotiate peace at Paris in 1919.

After the war his foreign experience and travel continued. He was a delegate of the Endowment at the Second, Third and Eighth Pan-American Scientific Congresses and also at the Conference of American States at Lima. He was representative of the Endowment to the Orient in 1929 and consultant to the United States Delegation at the Conference on United Nations Organization at San Francisco in 1945. For his interest in Latin American affairs he was made Knight Commander of the Order of Cespedes (Cuba) and of the Order of Balboa (Panama). He was also given an honorary degree by the University of Thessalonika Law School.

Dr. Scott's admiration for and appreciation of Finch's loyal and selfless assistance found grateful acknowledgment in his will. He also made Finch his literary executor. At his death Finch had, unfortunately, not completed Dr. Scott's biography, which would have traced the movement for international law and order in the early part of this century to which Dr. Scott had devoted his life. He it was who launched Finch into that movement in 1911. Thereafter through the Endowment, Finch participated in almost every event of importance that marked the progress of that movement. The Endowment's activities, to mention a few, included sponsoring conferences and exchanges of teachers of international law, granting fellowships and scholarships for the study of international law in the United States and abroad, publishing the *Classics of International Law* and other valuable series, such as Hudson's *International Legislation*, *World Court Reports*, the *Hague Court Reports*, *Pan American Conferences*, establishment and support of the Hague Academy of International Law, and establishment of the American Institute of International Law.

These activities and achievements brought an outlook on the field of international law and world peace which naturally found expression not only in the pages of the JOURNAL but in his book on "The Sources of Modern International Law," in his addresses before the Inter-American Academy of Comparative and International Law, of which he was president,¹ in

¹ The titles of these addresses were "The Punishment of War Criminals," "The International Control of Atomic Energy," "Sovereignty Over Polar Areas," "Sources of Modern International Law."

the lectures which he was invited to give at the University of Michigan, the University of Washington at Seattle, McGill University at Montreal and the Academy of International Law at The Hague (where he was a member of the Curatorium for some years) and in his seminars as Professor of International Law at Georgetown University School of Foreign Service.

He was asked to appear as international law expert before Senate committees considering legislation on phases of international law or international relations. For example, he was called to testify before the Senate Subcommittee on Disarmament last January on two questions: (1) The relation between the control of armaments and the settlement of the major political differences between nations; (2) What basic powers an enforcement agency must have to be effective. On his death this testimony was reprinted as a tribute to his memory in the *Congressional Record* at the instance of Senator Bricker. In submitting the statement Senator Bricker said: "It shows very clearly that strict adherence to the rule of law among nations, to the development of which George Finch devoted his life, is the only alternative to global chaos."

George Finch was a member of the American Bar Association and Vice-Chairman of its Committee on Peace and Law through the United Nations, a member of the Advisory Committee of the Inter-American Bar Association, of the Research in International Law of the Harvard Law School, and of the American Institute of International Law. He was also an Associate Member of the *Institut de Droit International*, a Corresponding Member of the Panamanian Academy of International Law, and Honorary Collaborator of the Hellenic Institute of International and Foreign Law.

George Finch took a leading part in the American Bar Association discussions of the Bricker amendment to the Constitution and was chosen to prepare the case of the Association in favor of the amendment. His papers and speeches in behalf of the amendment and his testimony before the Senate Subcommittee above mentioned rank with the best examples of his style and philosophy.

George Finch was a conservative in his attitude toward international questions. We have noted his achievements. What was his philosophy? A few quotations will indicate the trend. The general aim of his life was "the substitution of reason and morality for force in the settlement of international disputes." "To prepare the world for the rule of right the science of International Law was created." "A definition of aggression and a compulsory jurisdiction for the submission of legal questions to the International Court of Justice should have been agreed upon long ago." He believed vigorously in the sanctity and binding character of treaties. "All states great and small are entitled to equal rights of sovereignty and independence in their external relations and to freedom from intervention in their internal affairs." "The time has long since passed when the nations having a sense of honorable obligation should consider withdrawal of recognition of any nation which persistently refuses to comply with fundamental international obligations."

On problems of the present day George Finch had definite ideas. He

was of course utterly opposed to international Communism which, he said, denies the doctrines of Christianity and the divinely endowed rights of man. In view of the known record of Communist governments as to the breach of treaty engagements, he thought it would be suicidal for the United States to stop the production of any weapon it might need to deter attack. "It would not be feasible to vest non-forceable enforcement powers in an enforcement agency as long as member nations are bent on the use of force to impose their wills upon other members." He deemed it impracticable to endow an enforcement agency with powers of inspection that allowed "hordes of aliens to swarm over the country" and engage in "legalized spying." He thought legal machinery centered on an international court could be devised to deal with violations of an arms control agreement, *if* the signatories abide by the rules of law in their international conduct; otherwise it would be impossible. These thoughts taken from his testimony before the Senate Subcommittee above mentioned are by no means a complete summary of his philosophy (which space forbids) but they show the nature and character of his attitude toward international law and certain questions of the day.

One is at once impressed with the thorough preparation of his papers, the historical setting presented, but most of all with the logic and common sense of his arguments. As I look back on the years of close association with George Finch, I carry away deeply engraved impressions of unbounded energy, dogged determination, unbiased sense of justice, deep sincerity relieved with a vein of benign humor—all inspiring respect and affection in the hearts of those fortunate enough to know and work with him.

LESTER H. WOOLSEY

POLITICAL AND HUMANITARIAN APPROACHES TO LIMITATION OF WARFARE

A point of convergence is reached by two diametrically opposite approaches to the problem of the regulation or limitation of warfare. Henry A. Kissinger has produced an extremely thoughtful and interesting book entitled *Nuclear Weapons and Foreign Policy*. This volume is the product of the author's work with a study group at the Council on Foreign Relations, a group which included a large number of persons with experience in foreign affairs, in military affairs, in science and in government. This is a substantial volume of 455 pages which requires careful reading. The other approach is to be found in a little pamphlet of 168 pages published by the International Committee of the Red Cross in September, 1956, entitled *Draft Rules for the Limitation of the Dangers Incurred by the Civilian Population in Time of War*. These Rules, with their compact but lucid commentary, were elaborated as a result of consultation with the National Societies of the Red Cross and with a Committee of Experts. This Committee of Experts was drawn from twelve different countries and, like the Council group, included military men, persons with broad governmental experience, and a number of scholars. The Red Cross Draft Rules represent a revision of an earlier draft published in 1955.

Kissinger approaches the problem from a hard-headed analysis of international politics, the fundamental interests of the United States, and the