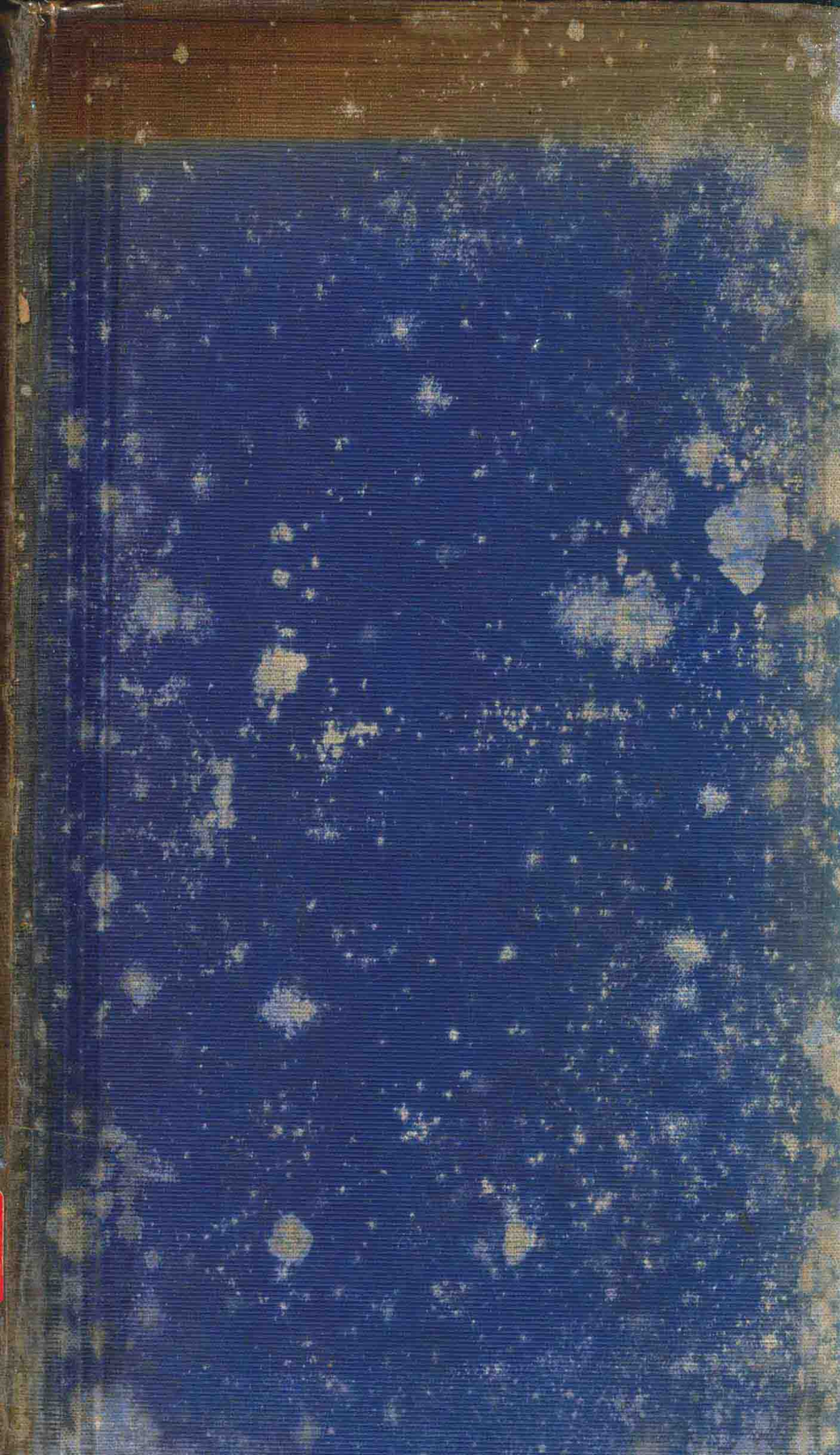




THE ESSENTIALS
OF
INTERNATIONAL PUBLIC LAW
AND ORGANIZATION

BY

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PROFESSOR OF POLITICAL SCIENCE AND INTERNATIONAL LAW
IN INDIANA UNIVERSITY

REVISED EDITION

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THE ESSENTIALS OF INTERNATIONAL
PUBLIC LAW AND ORGANIZATION

TO
MY STUDENTS
AT
INDIANA UNIVERSITY

PREFACE TO FIRST EDITION

This work—the product of considerable experience in the study and teaching of International Law—aims to furnish the teacher and student with an up-to-date text adapted to the needs of the classroom, and also to present the specialist as well as the general public with a scientific treatise on the subject.

In the execution of this task, the author has tried to be as clear and concise as possible; and, in the body of the text, has carefully confined himself to what he regards as the “Essentials of International Public Law.” Minor and controversial details have, for the most part, been relegated to the footnotes. These footnotes are intended to serve a double purpose: to furnish bibliographical and other data for a more extended study or investigation of particular topics; and to provide an additional text for a longer course than is commonly given. It is hoped that the book may thus be readily adapted to a longer or shorter course at the discretion of the instructor.

In the main, the work is based upon modern or contemporary, as distinguished from the older, sources and authorities. A special attempt has been made to review the more important of the many recent contributions to International Law contained in monographs and periodicals—Continental as well as Anglo-American. In the parts dealing with the Law of War and Neutrality, the illustrations are drawn largely from recent wars.

It has been deemed best to incorporate into the body of the text (with notes by way of commentary) those parts of International Law which have been officially codified, viz. the Hague Conventions and the Declaration of the London Naval Conference of 1909.

In the organization of the subject, the writer has adopted the newer and, as he believes, the more convenient as well as scientific system of classification. The Law of Peace is thus mainly divided into “Subjects” and “Objects” of

International Law; the Law of War, into Land, Maritime, and Aërial Warfare. The Adjective Law of Nations is dealt with in Part IV under the heading "Settlement of International Disputes."

It is due to the *American Journal of International Law* to state that the historical chapters, as also the chapters on "The Succession of States" and "Aërial Space" have been previously published in that excellent periodical.

In conclusion, the author wishes to express his gratitude to his friend and colleague Professor Samuel Bannister Harding for valuable advice and assistance in the preparation of this volume.

A. S. H.

BLOOMINGTON, INDIANA,
September 1, 1912.

PREFACE TO REVISED EDITION

A thorough revision of the "Essentials of International Public Law," first published in 1912, has perhaps been expected for some time. Among the reasons for the delay have been the author's temporarily weakened faith in the potency of International Law and the lack of convincing evidence of the stability of the New World Order slowly emerging from the wreck of old Europe.

Not until the dawn of Geneva and Locarno did the writer acquire sufficient resolution to undertake the task of this revision. He is now persuaded not only that the New World Order has secured a fairly firm footing, but that, mainly due to the agency of the League of Nations, International Law is passing through the greatest period in the history of its development. This is especially the case with respect to the pacific settlement of international disputes and the continued progress of international co-operation, legislation (through the treaty-making power), and organization.

In order to emphasize this latter development, the title of this work has been changed from "The Essentials of International Public Law" to "The Essentials of International Public Law and Organization." International Organiza-

tion is particularly considered in chapter XXII which is wholly new, as also is chapter V on "The Paris Treaties and After." But every chapter (including all notes, references and bibliographies) has undergone a thorough revision.

The main additions to chapters in the previous text have been to the historical chapter IV, chapter XXI on "International Treaties," and chapter XXII on "Amicable Means of Settlement of International Differences" (see especially pp. 480 ff. on "Judicial Settlement").

Though not, properly speaking, a part of International Law, it has seemed desirable to add pages 101-121 to the historical chapter IV on the main causes and events leading up to the World War. To teachers wishing to confine themselves to International Law and Organization proper, it is suggested that the historical chapters be omitted, either in whole or in part.

In general, the plan and structure of the book outlined in the preface to the first edition has been followed in this revision.

The writer wishes to express his appreciation of the many valuable suggestions and criticisms made by friends and teachers in response to a circular letter sent out a few years ago. To those who suggested the insertion of the bulk of the notes in the body of the text, he would point out that this change, however desirable, would have necessitated at least a two volume work, which would have made its use as a text impracticable.

The author regrets that he is unable to acknowledge by name or specific reference those who have made helpful criticisms. He desires, however, to express his special thanks to Charles S. Hyneman, Rex. M. Potterf, Julius R. Bell and Miss Clarice M. Robinson for particular services in the way of verification of references and bibliographies, proof-reading, and the preparation of the index.

A. S. H.

BLOOMINGTON, INDIANA,
October, 1927.

LIST OF ABBREVIATIONS

- A. J.*—*American Journal of International Law*. New York, 1907—
Am. Histor. Rev.—*The American Historical Review*. New York, 1895—
Am. Law Rev.—*The American Law Review*. Boston and St. Louis, 1867—
Am. Pol. Sci. Rev.—*The American Political Science Review*. Baltimore, 1906—
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 For. Policy Assoc.—Foreign Policy Association.
 Fortn. Rev.—*The Fortnightly Review*. London, 1865—
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