

"There are many points in which the common law and public law are similar. International treaties and such documents as The Hague Convention are the work of lawyers. The foundations were first laid after one of the most devastating wars in history. The weakness of their efforts was, that if ever a nation was wicked enough and ambitious enough to tear up and destroy the flimsy foundation upon which the superstructure had been erected, it fell. The moment you find a nation wicked enough and ambitious enough to challenge the world and say this is no law at all, and because it is no law we will tear it up there is no punishment.

"The moment a nation is found prepared to make that challenge, from that moment there is no remedy but war. There is no means of cutting that cancer out of the system except by the sword, and that is why I say, in a more important sense, that this war is really a lawyer's war, because upon its thoroughness depends the answer to the question whether or not public law is to survive in the world.

"With reference to Germany, at every stage of the war she has shewn contempt of the whole force which hereto had been attributed to the law of nations. If that is to be done then we might as well throw away our books on international law. The question at stake is whether public law is to survive the war.

"It is important to the future of the world; it is necessary if we are to avoid a reoccurrence of the horrible violence, such as is defying humanity to-day; it is as necessary if these things are to be avoided that we should plant public law on an unassailable foundation as private law. How it can be done I do not know. If you can muster sufficient unselfishness in the senses of the nation, and sufficient control of the material forces, then it will be so much the better. As to this probability I express no opinion.

"This is the first time since the Declaration of Independence that the great Anglo-Saxon nations are engaged in a war together and this war has not only at stake the material but the moral basis upon which civilization depends, and, without the maintainance of which civilization cannot survive. If the solution of this war is, as we are entitled to hope it may be, if that solution is favourable to those who have supported the law