

## DEFECTIVE STATE OF INTERNATIONAL LAW.

changes in the political system of the Italian States. France intervened in Spain to reverse the national party, and to re-establish absolute government; Russia, Prussia, and Austria tore to shreds, and divided among themselves poor distracted Poland. In most cases, let it be observed, it was the strong that interfered in the affairs of the weak, and it was rare indeed when such interventions were suggested from any regard to the interest of the weak. But even if it were, that would not justify the intervention. It might appear a chivalrous act on the part of a strong power to offer its aid to a weak State at a moment of danger, but universal experience proves that no State can long maintain its independence if it is to be beholden for it to the support of another power. It should be remembered, moreover, that an armed intervention is war, and that no duty of friendship or generosity can justify the unsheathing of the sword, and the perpetration of so much evil as war brings in its train.

But there is another kind of intervention of an amicable character in which we are at present deeply interested. In its primary sense the word "intervention" means to come in between things or persons, to interfere in the affairs of another. Has a nation any right to exercise such interference? Does the community of interest, which binds us altogether, give us a voice in the acts and conduct of other States? Can we force our offices or interpose our action on an unwilling nation? To do so would be to infringe the sovereign rights of other States—would be to incur the certain danger of war. And it is the same thing whether we interfere *officially* by verbal notes through our ambassadors, or *officially* by formal notes or letters, or by the proposal of a congress, or in an armed manner preceded by an ultimatum, and accompanied by a military demonstration. In either case the intervention would be the sole act of the intervening party, which might be resented or opposed by the parties affected by it. Mediation, on the other hand, is quite another thing. A State may most appropriately at any time offer its good offices for the amicable settlement of a dispute. It may be asked by the contending parties themselves to make proposals for such settlements without binding themselves to accept such proposals; or may be constituted arbitrator to decide the question. There is no interference in mediation. It is not a forcing of one's own will or action upon others, but it is only the manifestation of willingness and readiness to perform a friendly act. What should be done in the present difficult position of France and Prussia? Should England intervene? Notes verbal or official would be of little purpose. For a congress they are not ready. An armed intervention would be war to either State or to both. Surely, then, no intervention is possible. But it is otherwise with mediation. This may be offered at any time without any danger of wounding the susceptibilities of either power.

The only justifiable cause of war, if we once admit its lawfulness, is self-defence. England, for instance, has mighty interests to defend at home and abroad. She has an enormous trade; she has unbounded wealth; she has colonies and dependencies widely scattered and isolated; she has an extensive number of subjects planted in every part of the habitable globe. Nothing could be more natural than that she should be jealous of her rights, and that she should be prepared to defend them at all hazards. But a limit must be put even to this right of self-defence. Many of the wars for the balance of power were waged on the plea of self-defence, and the enlargement of a State, though more than thousands of miles distant, has been held sufficiently dangerous to justify a war. But surely nothing short of actual invasion of territory, nothing less than an act of aggression on the sovereign rights of a State, should justify a war of self-defence. International Law has given even to this principle too great a latitude, and the European nations have been too prone to use it as a convenient justification for acts of unhallowed aggression.

When war has once been declared it seems almost puerile to spend much time in settling the exact bounds to which the belligerents may lawfully proceed, for bitter experience proves that when the passions are unfurled, the reign of law is at an end. We may wish, however, that even as respects the conduct of nations in time of war, International Law should be more definite and consistent. It is a sound principle that, whilst whatever is likely to be conducive to the accomplishment of the enterprise is allowable, whatever has not that object directly in view is not to be held lawful. But the principle is neither properly carried out nor universally applied. It may be right, because necessary, in a belligerent to capture soldiers, military officers, and arms, but no such justification exists for the capture of goods and property of private individuals. Nevertheless, whilst International Law seems to disallow the capture of private property by land, except, indeed, in case of fortified towns, in the form of booty, it permits it by sea. The United States of America proposed in 1856 to accept the regulation relating to the abolition of privateering, on condition that private property on the high sea should be exempted from seizure. But England did not accept the proposal. Now Prussia has taken the initiative in this important reform. Let us hope that at a future congress the principle may be established by the consent of all nations. Upon the principle that war should be waged against the armed forces of the belligerent, and not against inoffensive subjects or places, no private individuals should be captured or shot, and nothing should be destroyed but what may be used as means of offence and defence in actual warfare. Yet we still hear, though International Law does certainly not justify it, of wanton practices