

6 DOES INTERNATIONAL LAW STILL EXIST ?

relations if any member of it was to be entitled to disregard all considerations other than those of its own advantage. Nor can any society of States exist unless faith be kept ; for if promises are not to be binding, if pledges can be broken with impunity, there can be no real international intercourse. And there was another fact, too, which did much to convince the statesmen of the time that some International Law was necessary, it was the horrible cruelties and destruction inflicted by the warfare of that period. Between combatants some sort of restraint existed : there were codes of honour observed among the fighting men ; there were rules of war more or less accepted between them, at least on some points. But there was little or nothing to restrain excesses in the treatment of non-combatants. The troops of an invading force lived upon the country through which they passed ; they seized all cattle, foodstuffs and money, and left the peasants to die of hunger or to seek safety in flight. We read that the track of an invading army was marked by devastated fields, by smoking villages, by the corpses of the inhabitants done to death by the soldiers or perished of starvation. The public opinion of civilized nations had become shocked by these practices and was determined to put some check upon them. These, then, were the two main causes which brought International Law into being : the first the rejection of the doctrine of 'necessity' and the acknowledgement that some code of laws must be brought into being if the intercourse of nations was to continue ; the second, the conviction that some restraint must be imposed on the excesses of warfare for reasons of humanity and civilization. I ask you to bear this history in mind, for it is not without a bearing on the position of International Law to-day.

From that time onward the existence of a law among