abhorrent to all principles of humanity and morality, and yet they have not yet agreed to declare this offence against humanity and morality to be an offence against the law of nations. That it is not so has been affirmed by English and by American judges alike. Speaking of morality in connection with international law, Professor Westlake, in his "Principles of International Law," acutely observes that while the rules by which nations have agreed to regulate their conduct *inter se*, are alone properly to be considered international law, these do not necessarily exhaust the ethical duties of States one to another, any more, indeed, than municipal law exhausts the ethical duties of man to man; and Dr. Whewell has remarked of jural laws in general that they are not (and perhaps it is not desirable that they should be) co-extensive with morality. He says the adjective *right* belongs to the domain of morality; the substantive *right* to the domain of law.

The truth is that civilized men have at all times been apt to recognize the existence of a law of morality, more or less vague and undefined, depending upon no human authority and supported by no human external sanction other than the approval and disapproval of their fellowmen, yet determining, largely, for all men and societies of men what is right and wrong in human conduct, and binding, as is sometimes said, *in foro conscientiæ*. This law of morality is sometimes treated as synonymous with the natural law, but sometimes the natural law is regarded as having a wider sphere, including the whole law of morality. It cannot be said either of international law or of municipal law that they include the moral law, nor accurately or strictly that they are included within it. It is a truism to say that municipal law and international law ought not to offend against the law of morality. They may adopt and incorporate particular precepts of the law of morality; and on the other hand, undoubtedly, that may be forbidden by the municipal or international law, which in itself is in no way contrary to the law of morality or of nature. But whilst the conception of the moral law or law of nature excludes all idea of dependence on human authority, it is of the essence of municipal law that its rules have been either enacted or in some way recognized as binding by the supreme authority of the State (whatever that authority may be), and so also is it of the essence of international law that its rules have been recognized as binding by the nations constituting the community of civilized mankind.

We conclude then that, while the aim ought to be to raise high its ethical standard, international law, as such, includes only so much of the law of morals or of right reason or of natural law (whatever these phrases may cover) as nations have agreed to regard as international law.

In fine, international law is but the sum of those rules which civilized mankind have agreed to hold as binding in the mutual relations of States. We do not indeed find all these rules recorded in clear language—there is no international code. We look for them in the long records of customary action; in settled precedents; in treaties affirming principles; in State documents; in declarations of nations in conclave—which draw to