

and the civilized world became a community of States, equal in all respects so far as concerned their rights and their mutual relations : from that time, consequently, it became essential to have some common laws, since without law there must be anarchy. This conclusion became accepted by the nations of Europe, but only as the result of some discussion. Two views were current : the first that each State was entitled to set its own advantage before any other end ; that it was not bound to consider the rights of other States, and that the necessity of any particular State was a sufficient justification for action taken by it ; in short, that if necessity compelled States were entitled to disregard obligations and to break their faith ; they were under no duty in regard to other States or to the community of States which could stand in the way of their advantage ; for since each State must be the judge of its own necessity, advantage was for all practical purposes the same thing as necessity. This is, put broadly, the doctrine with which the name of the Italian Machiavelli had become associated. The other view was that each State owed a duty to the other members of the international community which could not be displaced in this way ; that it was impossible for States to carry on mutual relations unless that was so, that there must be a law to regulate these relations, and that such a law was to be found in the precepts of the law of nature and of religion and in international usage. This law bound all States, and between States good faith was essential. Of this view the Dutchman Grotius was the chief exponent at the time. And it was this view which prevailed. The doctrine that necessity justifies the overriding of the law was explicitly rejected. Indeed it seems clear to us now that no society of States could continue to carry on mutual