

4 DOES INTERNATIONAL LAW STILL EXIST ?

rights of belligerents—that is of the States actually engaged in the war, and of neutrals—that is of States who take no part in it : in the second place it imposes limitations on warfare in the interests of humanity, and seeks to protect non-combatants and private property in the area occupied by an enemy force. Among individuals, rights and duties are regulated by the law of each particular country : here in England we are under the control of English law ; if we cross the Atlantic, we come under the control of the law of the United States or of one of the Republics of South America, and so forth. But the rights and duties of a State cannot obviously be left to be determined by the legislative body of any other State ; they are controlled by a common system of law which applies to all States equally and is known as International Law.

And to explain somewhat more fully what International Law claims to do, let me first say a word or two about its origin and development. As to its origin, we need not go back for practical purposes further than the seventeenth century. Before that time the society of European States was based on the supposition that there existed a common superior who could secure order among the community of States—Rome and those who claimed to succeed to the power of Rome, the Pope and the Emperor of the Holy Roman Empire. And in those conditions, as you will readily understand, the necessity for any system of law was less apparent. As long as a schoolmaster has control, no law is wanted, save his will, to regulate the relations of his scholars. But about the time I have mentioned, and I am only dealing with the matter broadly, this state of things came to an end from causes to which I need not refer. From that time onwards there ceased to be any common superior