

The Court Is Not Enough

There are many here in the United States who think of the Court of International Justice as an end in itself. If only the United States could join the Court, that is all that would be required. No further machinery would be necessary. The Court could handle all the difficulties that in the future might arise between nations.

The difficulty with this point of view is that it overlooks the essential limitations of any court of justice. A court is confined in its work to the decision of justiciable cases, and many of the frictions that embarrass the relations of nations are not justiciable in character. If you were to make a list of the wars of the eighteenth and nineteenth centuries and analyze them as to their causes, I think you would find but few that were really justiciable in nature. There were but few that could have been brought before a Court of International Justice, even had such a court been in existence.

While, therefore, we need a court—and I would say that it is the first step forward in our search for a way of escape—a court is not enough. We are driven irresistibly to the conclusion that some method must be provided by which the nations of the world can meet together around a table to discuss problems and difficulties that are not justiciable in character.

Let us use as an illustration the problem of health and disease. A hundred years ago, health, I suppose, was largely a matter of individual concern. If a man had smallpox, that was his own hard luck. At best, it was a matter of family concern. But as men began to assemble together in communities, there developed the idea of health as a community concern, and out of that came the conception of health as a state concern. Only within comparatively recent years has there developed the idea of health as a national responsibility; only within comparatively recent years have we had such an organization as the United States Public Health Service.

In our time, however, health has become a matter of international concern. Take, for example, the influenza epidemic that devastated the American continent in 1918. Where did it come from? As far as we know, it started in the German prison camps. From Germany it came over into Spain. From Spain it crept up