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EXTENDING THE RULE OF LAW IN THE WORLD COMMUNITY

*by Charles S. Rhyne**

It was with the greatest pleasure that I accepted the invitation extended to me by Dean O'Meara to discuss this most timely and urgent topic of our times. The convening of this panel to discuss the great issues involved in developing an effective rule of law among nations is another fine example of the high purpose of this great law school, and the wonderful leadership of Dean O'Meara.

The problem of peace eclipses in importance all problems of our time. A world permanently divided into two mighty armed camps, each capable of destroying the other, is not a pleasant future to envision. The peril from such a situation is obvious. History has taught us that every arms race has ended sooner or later in war. The realization that a war today may well result in mass extermination has attuned the people of the world to an overwhelming desire for peace. This realization has also conditioned them to accepting the necessity for a much greater degree of international cooperation, and for accepting new and more far-reaching obligations than they were willing to undertake in times before this threat to our survival arose.

This most urgent desire to prevent war thus offers a unique, unparalleled opportunity to develop the legal machinery that is essential for an enduring peace, with the overwhelming support of world-wide public opinion. Never have the peoples of the world needed or demanded leadership on the issue of peace as they have done today. It is therefore our overwhelming responsibility as members of the legal profession to assume leadership of a permanent program designed to establish the international rule of law to replace the present "balance of terror" to which Winston Churchill has often referred.

In discussing these problems too much emphasis cannot be placed on the vastly different nature of the world of 1961 from that of 1946, a few short years back. The United Nations has doubled in size, nuclear energy and technology have been developed beyond any of man's earlier dreams, creation of a new space science has been accomplished and untold material resources tapped. Rapid technological and international political changes are releasing powerful new forces. Uncertainty concerning the direction and consequences of these forces causes grave concern. The nationalism of newly independent nations asserting their sovereignty, and their rising expectations for a greater share of the material wealth of the world and for greater individual freedom are placing enormous new demands on international society.

The forces of science, commerce, education and political change have brought the world to a position where life must be given more unity on a world-wide basis. Such is the essential requirement of the ever accelerating contacts in our shrunken world.

Although the basic principles of international law are based upon or find support in the fundamental ideas of many systems of law, they and the rules

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based upon them are being re-examined to see if they are adequate to meet the fresh demands of a re-constituted, more unified international society. Demands for an international legal regime which will protect the freedom of the individual and permit an equitable distribution of the earth's riches are legitimate. However, to meet these demands, great international advances are necessary — politically, economically and in the field of international law. The interrelationship of these three factors should be understood and emphasized. Steady economic and political advance are impossible without an adequate legal framework. Political freedom, to be meaningful, requires a minimum standard of economic well-being; but economic advancement is impossible without the presence of a legal structure encouraging and protecting the institutions essential to material progress.

It is difficult for lawyers, who have found an effective alternative to power and force as the basis for an organization of domestic society, to concede that a similar realm of order and tranquility on the international plane is not possible through utilization of the principles, procedures and institutions of law. Lawyers therefore must agree unanimously on one thing at the outset — the absolute necessity of the international rule of law.

To initiate discussion I shall attempt briefly to appraise the nature and function of existing international legal institutions and then attempt to indicate where opportunities for progress in the development of international law and its institutions can be made. That is to say, the "Next Steps" to extend the rule of law among nations.

In order to discuss the "Next Steps," it is first necessary to briefly examine our present situation in respect to the development of international law, and the institutions which have been established to interpret and apply that law. In looking at past developments, it is reasonably safe to say that the period of greatest growth and the period during which the conceptual framework for later developments in substantive international law was established, was roughly from the time of Grotius in the 16th century to the turn of the 20th century. During that time the great treatises on international law were written, a vast body of international jurisprudence was developed through the numerous arbitrations of the 19th century, and early 20th century, and the customs and practices of the modern state, and its relations with other states, were developed. These customs have changed little in the 20th century.

Of course it must be noted that the development of international law has not been a monopoly of the West. The great legal traditions of Islam, Hindu law, Chinese and Japanese, all have made their significant contribution to the rule of law among nations.

I refer to these historical developments only to dramatize the newness of the institutions which have sprung up during the 20th century, and in particular those developments following the end of World War II. During the early part of the 20th century the Permanent Court of Arbitration was established, the Central American Court of Justice and the Permanent Court of International Justice, all of which were very effective within the sphere of their operations, some of course more than others. This mention is made

without dwelling upon the League of Nations and numerous other international organizations of that period.

Since the end of World War II there has been an unprecedented increase in the number of international organizations — chiefly created by the U.N. and its specialized agencies but also of a regional character outside the U.N. — which are designed to regulate an infinite variety of matters. These institutions, however, are not purely mechanical, as my rather general characterization might suggest. The 20th century has, of course, seen tremendous strides in development of substantive international law as well as institutions such as the United Nations. The institutions themselves, and the matters they seek to regulate, such as commodity agreements, the General Agreement on Tariffs and Trade, the Food and Agriculture Organization, and numerous others have contributed greatly to the existing body of international law. For the very general purposes of this preliminary discussion, I might say that these later institutional developments constitute statutory law, as opposed to those developments previous to the 20th century mentioned earlier.

Because so much popular attention has been focused on the Cold War, and the great political issues which divide nations, public opinion has overlooked these recent developments and has largely remained uninformed on such things as the International Sugar Agreement, Food and Agriculture Organization, the Tele-Communications Union, and a myriad of other international agencies — and for obvious reasons. They are all highly technical and not of direct interest to the general public. With those thoughts in mind, we can now turn to the main discussion of "Next Steps."

The "Next Steps" toward establishing an effective international rule of law fall into three general categories, all of which serve to assure for the future a parallel development of substantive international law and international organizations and institutions.

First. A plan must be effectuated whereby research being undertaken throughout the world and activities of international law professors and other experts can be coordinated with a view towards the further development of substantive international law. This, of course, includes such areas as international trade and investment, space law and many others.

Second. Efforts of practicing lawyers, government officials and scholars must be directed towards improving existing international institutions, and developing new institutions to effectuate and administer the new international treaties and other agreements according to well-established rules of international law. In addition, the jurisdiction of the international tribunals must be expanded to include claims by individuals as well as governments, and regional international courts should be established.

Third. A world-wide program of public education under the leadership of lawyers must be undertaken to effectuate changes in public opinion which are essential to the creation of an improved legal structure for the world community. The means and methods for coordinating efforts of lawyers and bar associations must be established.

It is with those general objectives that the American Bar Association Special

Committee on World Peace Through Law is now presently concerned.

World Peace Through Law is both the name and ultimate objective of the international program being undertaken by the organized lawyers of virtually every nation in the world. Lawyers participating in this program firmly believe that the international rule of law is essential to enduring international peace and the orderly conduct of relations between states.

In pursuit of this objective Continental Conferences are scheduled for lawyers of the Americas, of Asia, of Africa and of Europe sponsored by the American Bar Association Special Committee on World Peace Through Law with funds supplied by the Ford Foundation and the International Cooperation Administration. The Continental Conferences will have the participation of the national bar associations of twenty-three nations in the Americas, nineteen participating associations of Asia, twenty-nine participating associations in Europe, and in Africa delegates from thirty-three nations. The Continental Conferences are to be exploratory and educational in character, with the purpose of helping to lay a proper foundation for a World Conference of lawyers. The first Conference is that of the Americas and is scheduled to be held in San Jose, Costa Rica, on June 11-14, 1961, and the second, the Asian Conference, is scheduled for Tokyo, Japan, on September 17-20, 1961. Plans for the European and African Conferences are yet to be completed.

The World Conference, with delegates invited from over one hundred nations, should lead to crystallization of the ideas of the leading lawyers of the world as to effective steps that can be taken toward establishment of the international rule of law, and the best way in which lawyers can be organized to help achieve that goal.

It is not expected that merely through these conferences disputes over interpretation of substantive provisions of international law will be resolved, or political differences between nations eliminated; nevertheless, it is hoped that the groundwork for resolving these differences, and for filling gaps in international law can be laid. Through the establishment of permanent national committees, organization of these committees for cooperation on a world-wide basis, continued discussion of means for further developments of the international judicial process and institutions, and identification of the problem areas of international law, it should be possible to gradually create institutions, procedures and new rules of law necessary for the effective and peaceful resolution of international legal disputes.

As a starting point for such an endeavor, agreement concerning the function of international law should be reached. Once this is attained, then efforts to find means of realizing these functions can be commenced.

I would submit that the function of international law is to create where possible conditions in which the nations comprising the international community can perform properly their role of allowing man to develop his potentialities to the fullest extent in freedom. The prerequisite conditions are maintenance of peace and order, protection of personal liberty, the regulation of economic activity in the common interest, the just settlement of conflicting claims, and provision of a framework for orderly social, economic and political evolution

to constantly update law rules so as to meet the ever changing needs and interests of the people. It is for these purposes that governments under law are created, and it is upon those principles that the international rule of law must be based.

It must be kept in mind that the constituents of the international rule of law are endlessly varied, and properly possess different views and philosophies. Therefore the consensus upon which new international law rules are to be based must represent the ultimate conclusions common to a variety of philosophies regarding the basic needs of people the world over, and which embrace no one philosophical or political viewpoint, but only basic concepts of rationality and justice agreed upon by peoples of differing political and philosophical beliefs. Without such a consensus, law rules — domestic or international — are ineffectual and enforcement difficult if not impossible.

A fact which is too often forgotten is that one of the most important sources of international law cited in the Statute of the International Court of Justice, is the "general principles of international law recognized by civilized nations." The great traditions and principles of Islamic, Hindu, Chinese, Japanese and other important legal systems are thus a valuable source of international law, as well as the Romanist, common-law, Scandinavian and socialist systems. If, from those traditions a common core of principles can be derived upon which all nations can agree, great progress will be made.

Necessary to the formation of a respectable public consensus are educated constituents. Not only the laymen, but also members of our profession must have knowledge of what international law has been, and what it can reasonably expect to become. This is not a dramatic program; indeed, if it were overdramatized and false hopes raised there would be great danger of disillusionment and rejection of what ultimately may be the only solution to enduring peace. In international affairs public attention is too often focused on the great crises such as those posed in the Congo or Berlin or Laos, rather than the day-to-day practice of adhering to prescribed rules of international law. This is also true in domestic societies, where the layman ignores the quiet "behind the scenes" role played by law and lawyers in preserving tranquility in society, yet is aroused by the sensational trial of a master criminal, or the divorce of a celebrity. We must therefore educate everyone as to the role international law can play not only in resolving the great political issues which divide nations, but also in making progress in the more mundane aspects of everyday life. Recent developments of international law show the current trend away from formal all-embracing interstate relationships, and towards specific areas of common concern on which agreement can be reached on substantive rules, such as in international trade and economic development. Solution of concrete problems enabling the international community to move ahead on matters of common concern vital to progress can be a particularly fruitful area in which the rule of law may be developed on an international scale. For example, in the recently concluded Antarctic Agreement philosophical and ideological differences of the parties were submerged to permit the establishment of a legal regime which has relieved tensions and given the parties engaged in exploration

there a certain framework covering endeavors for scientific advancements for the benefit of mankind. Our goal similarly should be to tap the creative capacity and process of lawyers in a pragmatic approach to specific problems.

For just a moment I would like to point to one revealing symbol of the state of international law today which helps indicate the extent of the task before us. The UN Charter primarily concerns itself with disputes constituting a "threat to peace." The Charter, while trying to create a framework in which the rule of law can be maintained, does not provide for the operation itself of the rule of law.

Traditionally, nations feeling themselves wronged, relied on self-help to secure what they believed to be their rights. Now, however, with the UN properly denying nations the right to self-help, and yet failing to replace it with an *obligatory* means of resolving international disputes, a nation suffering injustice is in effect denied a remedy. This is an intolerable situation. For it is asking the impossible of human nature to expect that an aggrieved party will not take the law (as he feels it to be) into his own hands if the community provides no means of enforcement of the law. Thus war begins.

The recent disappointing action of the Senate of the United States in shelving the resolution to eliminate the Connally Amendment to our acceptance of the jurisdiction of the World Court illustrates how much educational work must be done. We can never lead in creating a world legal order while we ourselves continue through the Connally Amendment to block the door of the World Court. There is more misinformation and misrepresentation on the Connally issue than almost any other issue before our people today. It is shameful that we who espouse the rule of law, we who pride ourselves on operation under its procedures, principles and institutions continue through Connally to tell the whole world that we distrust the rule of law internationally. The Connally Amendment has clouded and impaired our leadership of the free world toward peaceful settlement of international disputes. It must be repealed.

The Connally Amendment provides that when we are sued in the World Court, the United States itself will decide whether the case involves "domestic" or "international" issues. Since the United Nations Charter prohibits the Court from exercising jurisdiction over "domestic" affairs of any nation we are adequately protected. But since Connally gives us control over whether a case against us may be decided at all by the Court, we sit as a judge every time we are sued in violation of the age-old maxim that "no person should sit as a judge in his own case." The Connally Amendment has so generated distrust of the Court, and destroyed the confidence in and use of it that the World Court is today the most unused instrument for peace that exists in our troubled world.

When we consider that the judicial process is the best method yet conceived by the mind of man for peaceful decision of those disputes which are inherent in the nature of man and nations the terrible cost of Connally is apparent. Is it not a sad commentary that we who have more courts than any other nation, and we who rely upon law to regulate and govern life in our country as much or more than any other country, should have a United States

Senate which insists upon rendering the World Court impotent? We who espouse life under the law as our way of life at home should be the last, not the first, to say we do not trust the rule of law internationally. Our strident call to the world to reform and live under the rule of law rings rather hollow under such circumstances.

The claim that eliminating the Connally Amendment would be surrender of sovereignty over our domestic affairs is a flat misrepresentation. The United Nations Charter prohibits the Court from accepting or exercising such sovereignty even if it were offered. Never has the Court exceeded the limits of its jurisdiction. But because of the remote chance of a wrong decision by the Court, our Senate continues to render useless the best instrument for peaceful settlement of disputes known to man. This is done in spite of the fact that if a wrong court decision is handed down — that is, a decision contrary to fact and law — the decision can always be changed, whereas the millions of gravestones the world over are mute evidence of the unchangeability of the results of war.

There is therefore an imperative need to find a consensus on the basis of which as many disputes as possible can be adjudicated in the World Court or other international regional courts. Once a consensus is arrived at in a particular area of international law which takes into consideration the views of all interested nations, it will become increasingly possible to submit disputes to compulsory third party adjudication, and to give a law enforcement authority the limited powers necessary to give effect to the resultant judgments.

Finally a word of caution is necessary concerning concepts of sovereignty. To make this point an analogy to domestic law may be drawn. Within nations, citizens create governments to protect certain guaranteed rights whose basis is a conception of the nature of man. These rights safeguard the citizen and allow him to evolve a dynamic society capable of permitting him to lead a meaningful life in freedom without undue interference from other members of society. While law may be perverted to protect the status quo and frustrate development, such instances occur primarily in cases in which the law does not truly reflect a consensus of its constituents. That a truly responsive law will be a vehicle for peaceful change is indicated by many examples such as Mexico and India, nations that have in recent years seen rapid development over a wide range carried out within a legal framework enabling the citizens to work out their own destiny without surrendering their individual rights or identity.

However, never to be overlooked is the social responsibility of the citizen. As the source of the law he has a grave responsibility; and while he is beneficiary of certain rights under the law, he has obligations to other members of his society not to infringe upon their rights, and to conduct his life in a way which will not demean his status as a human entitled to the respect and freedom he expects to receive from others.

Similarly, states demanding rights as equal members of the international community must remember that rights are received only as obligations are undertaken, and that the invaluable freedom necessary for development of the particular state depends upon reciprocal respect for the freedom of other states, and on that freedom not being used to deny the individual his fundamental

rights. Absolute sovereignty of the state is similar to absolute freedom for the individual. In both instances the result is anarchy, chaos and destruction. New states, jealous of their power, would do well to remember this and consider that in today's small world a nuclear war can arise as easily over differences between small states as between large.

The basic concept must be understood and accepted that the actions of states which affect the welfare of other nations, are limited by international law. Since I have already stated my belief that the basis of international law must be a consensus, then to a degree our tasks become clear.

We should, I submit, conceive of our work as being on two interrelated levels. On the higher level we must ascertain the self-evident, basic and immutable ideas which we agree are common to us and on which international law is founded, and draw from them a set of principles upon which rules of law may be developed to delimit and define the legitimate actions of states. Otherwise the rights guaranteed will be at the sufferance of the strong. Such a set of principles, if it reflects feelings that are basic to every culture, can be the foundation for a consensus of the world community essential to the creation of an appropriate institutional framework for enforcement of international law.

On the immediately practical level we must seek ways in which concrete solutions to particular problems can be found to advance the world toward greater cooperation in a joint effort to achieve political, economic and legal progress.

To the extent that success is realized on this practical level, and the world is consequently drawn closer together through shared endeavors to resolve matters of common concern, the common understanding fundamental to a broader consensus on general principles should become more attainable. And to the extent that a consensus is reached on basic principles a foundation will exist for the solution of particular problems.

There are, of course, many different approaches to the problem of establishing an international rule of law. No matter what approach is used, however, I do not believe that any plan will be successful without an informed public opinion. Thus, in my mind, the most important "Next Step" is one of education. There exists, not only in the United States, but in almost every nation in the world, deep suspicions, resentments, and outright ignorance of the many institutions and organizations which seek through international cooperation to bring the many nations and peoples of the world closer together.

I submit, that there exist many good reasons for caution in accepting obligations imposed by an external or international institution and delegating such authority to such institutions to regulate matters which affect the interests of a nation. In spite of that, we should not compound our problem by permitting unfounded objections to legitimate proposals designed to bring a greater measure of law to the world community, or to reduce whatever plan we have for achieving peace, to the lowest common denominator of acceptability within every nation.

Too often hostility towards plans for greater international cooperation, or toward new institutions for resolving disputes between nations are defeated

by catch words and slogans which stir up the emotions of a suspicious populace, but which bear no direct relation to what has been proposed. A perfect example of that is the issue surrounding the Connally Amendment in the United States to which I have already referred.

For those reasons, I think one of the most constructive and worthwhile steps that could be taken by the organized legal profession, not only of this country but in others, is a program designed to inform public opinion of existing organizations and institutions which already have made great progress towards the rule of law, and to educate them on proposals which have been made which do not affect their vital "national interests" except positively, insofar as they do afford a greater measure of national security and economic advancement.

Certain fundamental principles must be presented to the public and explained to them in an effort to secure acceptance. Such principles would be that all nations should commit themselves by appropriate means to submit all international legal questions which gave rise to international disputes to binding third party adjudication, and where appropriate, should utilize other feasible means of resolving disputes such as mediation, conciliation, and of course the most often used instrument, arbitration. They must be informed of past successes, such as the many arbitrations during the 19th and 20th centuries, and also the many cases decided by both the former Permanent International Court of Justice and the present International Court of Justice.

We must not forget that for centuries great legal minds have expounded the theory that a world ruled by law rather than weapons would be a peaceful world. It is the impact and urgency of our instant world-wide communications, the nuclear bomb, the conquering of space and similar achievements of our day which give us a chance to succeed where our predecessors failed.

We must seek acceptance of the principle that all nations should accept without crippling reservations the compulsory jurisdiction of the International Court of Justice, and that international organizations and institutions should be encouraged and assisted in their efforts to develop and extend the international rule of law in areas where common agreement can be found, and that lawyers should continue their cooperative efforts to reach agreement on and implementation of feasible ways of achieving the objective of World Peace Through the Rule of Law.

The proposal I have just made is certainly not idealistic or visionary. It should not be too much to hope that we exert every effort, and our collective talents and abilities towards education of public opinion.

In close connection with this educational effort just described, groups of experts or international teams if you will, could meet in Conference or form independent work groups to make a thorough study of "general principles of international law recognized by the community of nations." These principles form one of the most important sources of international law referred to in the Statute of the International Court of Justice. In spite of that, those principles form one of the least used sources of international law, not because of lack of interest, but because there is no general consensus as to what those principles are.

Effective and thorough research is needed on every subject in the whole field of international law, similar to that presently being conducted at Cornell University, where my good friend Professor Schlesinger is supervising research into general principles of contract law recognized by legal systems throughout the world, and at Duke's World Rule of Law Center where Dr. Larson is studying the law of international propaganda. Such research efforts must be coordinated, and one by one these principles must be identified and a consensus reached among the many nations of the world, so that gradually will be ended the suspicions that prevail in the minds of the people of the many different nations that if they submit to international adjudication, they will be judged by a man completely unaware of the legal traditions of that nation, and according to principles foreign to them.

It is easy to scoff and to say that all that will result is a collection of so broadly based and general principles that no one will disagree. That may be true; however, these principles which would form the core or basis of international law, would be refined and developed and expanded by decisions of international courts. Perhaps through such research, certain principles and concepts heretofore in obscurity, would be brought forth.

Moreover, I submit that such a "Consensus" would not be a statement of principles which many nations would only like to see accepted, such as many of the principles set forth in the United Nations Charter, which unfortunately are not always adhered to, but principles which already form the basis of the law applied daily in courts of the many nations of the world.

In close connection with the research necessary to reach a consensus on general principles of international law, must be a coordinated effort to develop further existing substantive international law, and to reach agreements such as "the law of the sea" and the proposed convention on "diplomatic immunities" which is presently being discussed in Vienna. In addition, concerted efforts must be directed towards problems of space law, peaceful uses of atomic energy and other areas of yet undeveloped international law.

The proved effectiveness of science in finding new technological pathways where none seemed to exist should operate as a spur to extraordinary effort by us lawyers to score similar "breakthroughs" in law by concentrating our manpower and brainpower upon the seemingly insoluble in our field.

Another step which is not beyond the realm of immediate possibility is that of directing efforts of practicing lawyers, government officials and scholars toward improving international institutions and developing new institutions to effectuate and administer the new treaties and other agreements according to the rules of international law. The jurisdiction of such tribunals should be expanded to include claims by individuals as well as by governments, and regional international courts must be established in order to make available to a wider number of people, the system of international courts.

The procedural steps towards achieving the above mentioned objectives, could well be patterned after the International Geophysical Year. By that I mean we could designate one year as "World Law Year" during which a series of conferences and work groups would be convened to do research in specifically

assigned areas in much the same way that various groups worked during the IGY. During World Law Year a well-coordinated educational effort could be undertaken, attention would be focused on international organizations and international law, and the interest of many who presently are not aware of those organizations, would be stimulated.

In close connection with World Law Year, an International Institute on the Rule of Law could be established and composed of the representatives of the many different legal systems in the world. This Institute could have as its primary objective responsibility for the coordination of the research, educational and creative activities of lawyers and legal organizations throughout the world in their cooperative efforts to establish the international rule of law according to the steps outlined above. The Institute could stimulate and encourage new research and new research methods as well as effectuate decisions and recommendations of lawyers convened at Conferences such as those of the American Bar Association Committee on World Peace Through Law in regard to the principles and policies that are submitted to them for action and consideration. The Institute could have primary responsibility for the organization and administration of those programs conducted during World Law Year. And lastly, the Institute could be primarily responsible for an intensive world-wide educational program designed to reach citizens of all nations to impress upon them the reality of their interdependence and the vital necessity of establishing the international rule of law.

At a time when science and the dramatic achievements of technology have captured more attention and more financial and other support than any other subject it will not be easy to turn mankind's thinking toward law. Attention can hardly be focused upon the promise and potential of a world ruled by law in competition with satellites aimed at the moon or trips into space by capsules containing living men. But an intensified, carefully organized program of research and education aimed constantly at so strengthening law that it will eventually be strong enough to replace force as the controlling factor in human destiny is bound to succeed because it must. Law is the only way whereby the newly developed powers of our era can be harnessed for man's benefit rather than used for his death. We of the law must not discourage easily in this quest for peace through law and we should remind ourselves that the scientists went through decades of frustration and failure before they split the atom.

I am convinced that the keys to a "breakthrough" in law lie in these next steps of research, education and organization. But above all we need to create an informed public opinion on the mission of law in our shrunken world as well as the far reaches of space. Public opinion usually fluctuates but it becomes a controlling force when it solidifies into the will of the people. Ultimately, in a democracy, public opinion is the controlling power. Even in dictator-controlled nations the power of public opinion in these times of increasing education and instantaneous world-wide communications is so tremendously powerful that their propaganda organizations and efforts are among their greatest. So our aim in this program must always be to create an informed world opinion on what law can do for the world community if but accepted and utilized within

that community the way it is now accepted and utilized within nations.

World Peace Through the Rule of Law is not a slogan of visionaries and idealists, it is the objective of the realist. It is the program of all those interested in a life free of fear, in a life dedicated to the development of the individual rather than his destruction, and in a life with the advantages of economic progress rather than poverty of an economic waste due to continued concentration upon war and war weapons. What is more realistic and practical than the desire to survive? What effort is more worthwhile than that of mobilization for peace rather than for war?

There is no greater danger than that of universal apathy, cynicism and ignorance. It is the great task, the overwhelming responsibility of lawyers dedicated to the rule of law, to remove that which stifles hopes for progress, and to initiate a program designed to achieve our common objectives.

By freedom under the international rule of law, we mean that man has the right to be free from exploitation from others, whatever form that exploitation takes, either of economic rights, social and political rights, or others. The rule of law, rather than the rule of force or the rule of men, is the only stable way to achieve an international society in which man can live in freedom, in dignity and in peace.

There is a great deal of irony in the fact that the greatest obstacle to progress towards the international rule of law is the fear of war and a sense of crisis which dominates our international relations. Nations hesitate to incur any obligation which limits their freedom of action in matters affecting their national interests because of their great fear. I use the term "irony" because it is this fear of war which now more than ever dramatizes the urgent need for the international rule of law, and obviously if that rule of law is to be effective, nations will certainly have to limit the areas in which they are free to act alone, and they must assume obligations towards themselves and towards others. Thus our problem is one of seeking a solution to this dilemma by gradually developing the institutions and the rules of law in hopes that thereby tensions can gradually be reduced and confidence established in international legal institutions.

It will take years and decades of dedicated effort to inch forward slowly toward a world legal order. But when one realizes the alternative it is obvious that no amount of opposition should be allowed to deter the program and no amount of effort should be spared. There are few public services of greater importance today.