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ADDRESS AT THE ANNUAL DINNER OF THE

AMERICAN SOCIETY OF INTERNATIONAL LAW

April 25, Washington.

As an officer of the Foreign Service of our Government who has followed for years with deep interest the constructive work of the American Society of International Law I consider it an unusual privilege to address this distinguished assembly. To a group such as this, which includes so many who enjoy well merited distinction in public and private life in our country I cannot hope to bring anything novel. The limitations imposed by an after-dinner speech at this closing session of your annual meeting preclude any possibility of a real consideration of any one of the many vital problems which these troubled times in which we live have thrust on the attention of all everywhere interested in international relations, and in the law and practice which underlie and govern them.

I received your invitation to join you at dinner this evening while on shipboard. The quiet days aboard had given me time for further reflection on the rapid succession of developments in the old world which have marked the last months - developments which viewed in the perspective of my observation and experience in the post-war

years

years give cause for great concern not only over the course of possible developments in Europe, but over the repercussions which foreshadowed events will almost inevitably have in all parts of the world including our own country. I was still keenly conscious of the gravity of the tone, and of the pessimism which had characterized almost all of the conversations I had had in recent weeks with persons in responsible positions in more than one country. Although for obvious controlling reasons I am unable to comment to you specifically on certain major political developments abroad, there are some fundamental vital factors which have already emerged out of the confusion and concerning which there is no dispute, as responsible leaders and spokesmen in various countries by their acts and words leave no ground for equivocation. Several of those factors touch so deeply and intimately the activities of your Society and of its members in their public or private capacities, that I have accepted this invitation believing that out of my experience and observation I may be able to place certain necessary and due emphasis on those factors.

These fundamental factors which have come into play in recent years and which have so disturbed the relations

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of states are the slow but sure loss of confidence in post-war years in the sanctity and binding nature of treaties, alliances, agreements and the given word of nations, and the establishment of dictatorships and pronouncedly authoritarian governments in great states.

Few persons realize how deeply the relations of states have been complicated and upset by the appearance of these new governments with a form and practice not up to now contemplated in international procedure between first class states. Dictatorships and authoritarian governments are not a new state form, but in modern international law and procedure, because they were found among the weaker members of the international family, were considered as passing phases not influencing practice between the greater and more responsible powers. Parliamentary government we must now recognize has been openly attacked in many countries and in some playing a primary role has been replaced by dictatorships in which one man assumes the right to speak for millions and the power to determine what is right and wrong. The rights of the individual, social, political and judicial, have practically disappeared in these totalitarian authoritarian states and the will of the leader is absolute. The loss of confidence in international agreements and the appearance of these dictatorships which

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strive to substitute in their relations with other states might for right, externally as they have done internally, have created this fundamental disturbance in the European situation which concerns the whole world today, and properly so, for it will not remain a purely European problem. The loss of confidence between states and the return to the primitive assertation of might over right - unrealizable and unthinkable as it may be to so many - is the practical problem which the statesmen of Europe today must face.

The developments in Europe in the last months, and particularly since the unilateral denunciation of the Locarno Treaty, have in the opinion of many calm, experienced and wise observers, accentuated this loss of confidence in agreements to a degree which may prove in the end catastrophic. The concrete results of this loss of confidence are already discernible to these observers and will become rapidly and cumulatively generally apparent unless confidence is restored in time by some action not necessarily as dramatic and effective as that which destroyed it, but by action so convincing, so unequivocal, and gives such wide publicity that there can be no doubt left anywhere.

So much has happened in recent years in parts of Europe - and in the Orient - which has shocked the public conscience, and from several sources these shocks have

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come so frequently and in such rapid succession that to some here present it may seem, in view of the inadequacy of the reaction by those still attached to international law and practice as we know it, that the public conscience may have become blunted. Ideas and ideals which we in the United States, and the people in practically all countries, have cherished as fundamental and for the realization of which untold effort and blood have been offered here and abroad through centuries, are publicly attacked, derided, eradicated, or gradually undermined through carefully directed destructive propaganda. If under the pressure of successive shocks world public opinion no longer reacted as we could hope and would wish, and that opinion became increasingly exposed and uncertain, there did remain in most countries, and among the informed groups as well as among the more or less uninformed masses, the feeling that one thing remained - the sanctity of treaties voluntarily entered into and confidence in the given word of friendly nations. This confidence was the rock on which an unstable Europe was anchored and in which it saw its only hope against the increasingly obvious expansionist aims of the totalitarian authoritarian dictatorships.

It was this confidence which held an already troubled Europe quiet in face of the shocks to the public conscience during

during a period of widely spread economic depression in which the cure was ineffectually sought through such expedients as contingents, compensation and clearing agreements, and uneconomic expansion of certain native industries and agriculture. It was this confidence which gave new life to the League of Nations in spite of the flouting attitude shown towards it by those governments openly glorifying war as a noble means to a selfish end or whose expansionist aims at the expense of weaker powers were no longer veiled. It was this confidence which put real force behind the doctrine of collective security in which practically all Europe has come to see the only hope for peace.

And now this confidence after repeated and rude shocks - which it must be said have come from many and unexpected quarters - is almost gone. It is most certainly at a low ebb. So far nothing has emerged to replace it. Nothing but fear, greater uncertainty, and consequently greater danger of irresponsible action. That the introduction of dictatorships on the European stage with their suppression of private right and justice and with the endeavor to substitute in international relations the doctrine of might and the fait accompli for international agreements and justice bear the main responsibility for this uncertainty and danger is clear, but this does not blind the impartial

observer

observer to the fact that theirs is not the sole responsibility.

The confidence in the sanctity of treaties received its first blow when after the Great War some of the victor states in disregard of Versailles increased instead of decreased their armaments. The inviolability of the given word between the nations received a ruder shock than some yet realize when most of the former allied governments ceased payment and service on their debts to the United States. Whatever explanations and extenuating circumstances may have been advanced for these failures to meet the given word - and the validity of some may be readily accepted - it nevertheless must be recognized that some of the states most interested in the maintenance of the inviolability of treaties, and the integrity of the given word, were among the first to give these blows to international confidence - little realizing what bitter fruit this tree would so soon bear. This fruit has rapidly ripened and increased under the sun of the dictatorships and Europe is these days tasting the full measure of its bitterness.

I have taken as the theme of my remarks to you the loss of confidence in Europe and the open worship of might over right because in all this confusion of factors and interests which the stream of press reports from Europe

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brings to you daily it is necessary to see these two fundamental elements as the major background. The falling confidence is recognized as particularly dangerous as it is a psychological factor common to all the countries of Europe fearing or indirectly affected by the now recognized expansionist aims of the dictatorships. It is recognized as particularly dangerous in the countries of southeastern Europe which feel themselves first and most definitely threatened by these expansionist ambitions. And this loss of confidence is most acutely felt in Austria which feels itself the most definitely menaced of all - both in respect to its independence and interference in its internal affairs.

I have just come from my post in Austria where I have been stationed for two years, and a few words with regard to that country are interesting in connection with my theme. Austria is a small country with some six and a half millions of people of which two millions live in the Capital, Vienna. The dismemberment of the old Empire through the post-war treaties has been much criticised. Certainly we know now, twenty years after those treaties, that while from the political point of view the treaties may have been on the whole wise, from the economic point of view a healthy situation can be brought back only

through

through the close economic cooperation in the Danubian basin which prevailed under the former Empire. This co-operation it is now appreciated in no way prejudices the territories or sovereignty of any of the successive states and should be realizable on a basis of internal preferences for which I believe Europe will, and we should, have understanding. The way to this cooperation has been opened by the commercial treaty just signed by Czecho-slovakia and Austria. It is needless to say that no Danubian agreement can be effective which does not provide for the cooperation of Germany and Italy. The Danubian States have shown that in any commercial agreements which they make they are prepared to admit all interested states as equal partners with equal responsibilities - but in-sisting on excluding any political domination or immixtion from any source.

Austria, which it was customary to consider as not possibly being able to live within the borders assigned her by the peace treaties - at least not without constant help from the outside - has shown that she is able not only to live within those borders but to prosper. In years of general depression in Europe she held her own and during the past eighteen months has made steady if slow im-provement in her economic and financial position. Her

economy

economy is in some respects better balanced than that of her neighbors. She has shown in a period of great economic and political pressure that she can live, and there is every reason to believe that in more normal times and with more normal relations with all her neighbors, she will even prosper. She is neither the object of charity nor the pauper nation which some quarters unfriendly to her independence and integrity are prone to picture. She is a self-respecting and now self-sustaining member of the family of nations who by the way is one of the few countries to have kept up the service on its public debt abroad as well as at home. She has developed in her population a keen will to maintain her independence and integrity and her fine culture, and desires as so frequently stated by her Chancellor and Vice Chancellor nothing more ardently than to mind her own business and to be friends with all her neighbors and the whole world. Her Foreign Minister remarked to me just a few weeks ago: "Austria, like your country, is one of the few in the world that does not desire the slightest slice of another's territory."

And yet this country so to speak decapitated by the peace treaties but to be protected in its independent existence by them, feels its integrity constantly threatened, and in common with the other countries of South Eastern

Europe

Europe is increasingly conscious that the treaties and agreements maintaining the status quo have been undermined by recent events. Perhaps in no state of Europe may this loss of confidence and the practical consequences of the doctrine of might makes right which I am emphasizing in these remarks, have more serious and far-reaching results. In Austria is the gateway to Southeastern Europe and her geographical, strategic, cultural and historic position have made her independence the factor on which European peace or war may depend. Should Austria be absorbed the course of events in Southeastern Europe and for that - in Europe - is clear.

Austria has been able to hold her own because of her confidence in her friends, in the League, and in the force of collective security. The other states of Southeastern Europe which have felt themselves similarly if less directly threatened for the moment were heretofore encouraged by the international support of Austrian independence and by confidence in their own treaties and agreements. Now it must be frankly recognized that this confidence in international agreements, collective security, and mutual assistance against aggression has been so shaken in Austria and Southeastern Europe by recent events that no one can yet foresee the consequences. The march of developments will

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be determined by the action of the greater powers. On their decisions will depend the eventual issue of war or peace - for the upsetting of the status quo in that part of the world must end in a general European conflagration.

The great tragedy in Europe today is that while there is not a single people in Europe which does not still ardently desire peace, in more than one country the will of the people is for the time impotent and war is openly proclaimed and used as an instrument of policy.

If I have emphasized to you, the American Society of International Law, this increased lack of confidence in Europe in international agreements, and this absence of respect for public and private rights, I have done so as they are basic phenomena which we must frankly face in our own appraisal, action, and attitude. I have given this emphasis as, in spite of the unmistakable facts and the public record, there are those who cling to the illusions that a dictatorship which openly flouts treaties, agreements and collective action for peace, will still recognize the sanctity of international law and practice in any respect as we find it in the books. There is no illusion which could be greater than the foregoing, or more dangerous to the peace of the world. The idea of the totalitarian authoritarian state as the world has to face it today admits

mits of no compromises and of no authority other than its own will. If we permit ourselves no illusions on this point there remains still a hope for progress on the road to durable peace.

The relations between states and the principles and rules of international law are based on the necessity of mutual tolerance and respect among the nations, just as the principles of domestic law are based on the necessity for mutual respect and tolerance between individuals. In our separate states in this country we know that no person - no matter how rich or powerful or intelligent - can safely live completely in accordance with his own desires and will, and we are still convinced that this will be found equally true in the commonwealth of the nations. In bringing about a renewal of enlightenment and allegiance to international law, and a restoration of confidence and mutual respect among the nations, this Society and its sister organizations in the new and the old world may play a great constructive role, realizing as they must that it is futile to study and define the details of international law and practice if the foundations themselves are to be removed.

We who have seen in recent years the growth of confidence between the republics of the new world, the increased mutual respect, understanding and cooperation

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which are marking their relations, and who have noted among them the vitalizing force of international law and procedure, keep our full confidence in the general eventual maintenance of the basic principles of international law which we are persuaded we cannot and under no circumstances will abandon.

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