EVERY time the guns roar on the battlefields of the world, the relations between states become more difficult or are interrupted. This induces many people to doubt the very existence of international law and even to scoff at it, saying that, when nations are battling to destroy each other with all possible means, it is absurd to talk of a law designed to regulate the relations between the states.

War, however, is not contradictory to law, nor does it exclude it. International law itself, as interpreted by its chief exponents (for example, Pallieri, Anzilotti, Perassi, Bruns, Oppenheim, Hurst, and Fauchille), recognizes war as one of the means granted to states for the protection of their rights and the realization of their aims. In fact, there exist whole series of rules, universally accepted and recognized by the states, pertaining to the conduct of war itself. To mention but a few: declaration of war (a rule of age-long custom), and such rules agreed upon at the Hague and Geneva Conventions as apply to the non-use of gas, the treatment of prisoners and wounded, and the exchange of diplomats.

A complete system of international law for war exists in practice as well as in theory, with its own rules, institutions, juridical figures (or status), and sanctions. Those who at present deny the existence or the logic of international law move from the supposition that such a law must act as the rule regulating the ethical conduct of states, thus having the object of excluding armed conflicts from their relations. On the contrary, international law is not a mass of rules with the object of making its recipients behave in a certain manner, but a code which is meant to regulate their relations and which legally justifies their actions or condemns them when they are contrary to its rules, rules that are created by the states in free agreement.

A COMPLETE SYSTEM

In order to exist, every system of law must contain various elements: its subjects (i.e., in civil law the state, the legislator) and recipients (i.e., in civil law the individual and the juridical person), its object, its rules and the sanctions consequent to their non-observance. These elements are all present in international law: the subjects and, at the same time, the recipients being the states; the object, their relations; its rules, the treaties between the various states, international agreements and, above all, custom (consuetudo); its sanctions: reprisals varying from financial measures, the interruption of diplomatic re-
lations, and the expulsion of foreign diplomats and citizens, to armed actions and, finally, war. However, international law differs profoundly from other law systems (civil law, process law, penal law, canon law, commercial law, etc.), first of all, because its subjects and recipients are abstract entities (states) instead of human beings; secondly, because its rules are created by these abstract entities through their common agreement instead of by an organ placed above the recipients of these rules, as is the case in state laws; and finally, because the subjects of international law are themselves entrusted with the power and the duty of fulfilling their rights, of protecting them, and of obliging the other states to observe them.

International law has existed in a constantly fluctuating form ever since there have been independent communities of men, and it has continued to exist in spite of all the wars that have afflicted mankind. Moreover, the first treatises on international law had precisely the aim of somehow disciplining, not only the peaceful relations among nations, but also their wars. We mention only Alberico Gentili’s *De jure bellii* (1588) and Grotius’ *De jure belli ac pacis* (1625).

It is unreasonable to judge the perfection of a law system by the strength and efficacy of the sanctions it provides against its violation. Indeed, the highest of all laws, the one each of us carries within him and which forms the eternal rule of individual behavior, has neither written rules nor material sanctions. Each one of us obeys it because he feels the duty, or rather the need of doing so; and the penalty which comes to whoever disobeys the laws dictated by his conscience is largely of a moral nature, without consideration for the material consequences that can ensue from it in life. Thus international law is a juridical system that the states observe irrespective of the possible consequences of non-observance, because they fully realize that their very existence as states depends on the existence of the law of which they are simultaneously subjects and recipients.

**A LEGAL MISTAKE**

Let us recall here the colossal mistake of those politicians who decided to create an entity above states, designed to be both their judge and their legislator: the League of Nations. Even from a purely idealistic point of view, the lack of logic of this body was evident precisely because it was meant to treat states in international society in the same way as human beings in their national societies, without taking into account the physical, moral, and juridical difference between man and state, the latter being an organism formed by men but also by other elements superior to them and vastly different. If to this idealistic error be added the fact that the League of Nations had only the political object of satisfying the ambitious aims of certain states to the detriment of others, of upholding an unjust and unequal status quo while preaching at the same time equality between states and universal peace, the cause of its complete failure can be readily understood.

Unfortunately, the very existence of the League was the fundamental cause of the present world conflict. Where there is an unjust and unreasonable system of domestic laws, the citizens of that country end by rising with force against it. All the more so will this happen when states find themselves paralyzed and oppressed by a system of unjust laws which are only upheld by the armed force and economic supremacy of certain states.

**LAWS OF CUSTOM**

We have stated that the subjects of international law are the states, that is to say, those sovereign (or, in other words, independent) human communities which are juridically organized on a certain territory and which, for the very reason that they fulfill these conditions, automatically become recipients of international law itself. A state becomes this, not by virtue of its recognition by other states, but because it presents those general characteristics that make it a recipient of the fundamental rules of the international juridical system.
As we have said, international law is the total of those rules which regulate the relations among states in peace and in war. For the most part, these rules are customary, that is to say, they derive from their ancient, constant observance on the part of their recipients who, in observing them, act with the firm conviction of being morally obliged to do so. Besides these laws of custom, there are also those put down in treaties, valid only for the signatory states, as well as some special agreements on various questions (as, for instance, the Hague and Geneva Conventions), valid for a large group of signatories. So strong is the moral coercive force of international law that in some cases even states that have not signed certain agreements spontaneously decide to act accordingly, convinced of their inherent justice. Japan, for instance, although not a signatory to the Hague Convention regarding the treatment of prisoners and wounded, spontaneously decided at the outbreak of the Greater East Asia War to follow the principles of this Convention.

**WAR—A LEGAL SANCTION**

The sanctions in international law, as has been pointed out, are applied by the states themselves, normally by requesting the fulfillment of certain obligations or the compensation of damages through diplomatic channels and, in extreme cases when there is no other solution, by military action. War, therefore, is not a synonym for illegality, it is not opposed to international law. On the contrary, it is a legal action forming part of international law itself and foreseen by it as the extreme means of its realization. Besides the rules of international law pertaining to the declaration of war, there are others to determine the juridical status after its outbreak. In recent years, for instance, the former statuses of “belligerent” (i.e., a combatant state) and “neutral” (i.e., a state that takes no part in a war among other states, either because it is obliged to abstain by existing international obligations entered upon by itself or by other states as, for example, Switzerland, or because it abstains voluntarily as, for example, Turkey and Sweden) have been increased by the new status of “nonbelligerent” (i.e., a state that takes no active part in war but has sympathies with one of the belligerents as, for example, Manchoukuo). I believe the term “nonbelligerent” was first officially coined by Signor Mussolini when he defined Italy’s policy in September 1939. Then, as we have said, there are laws concerning the treatment and exchange of prisoners, wounded, and diplomats, the treatment of enemy citizens and property, and even the methods of conducting war itself, most of which laws are laid down in the various Hague and Geneva Conventions.

During the present conflict especially, it has been possible to observe that all the belligerents have in general tried to follow these rules. Where this has not been the case and some intentional or unintentional breach has occurred, the injured belligerents have immediately, through diplomatic channels or by means of reprisals, obtained the cessation of the illegal action, or at least its just reparation. An instance of this is the binding of German war prisoners by the British in North Africa early in 1942, which was later suspended following strong protest and retaliatory measures on the part of Germany. The binding of German prisoners during the raid on Dieppe has led to a similar incident, regarding the settlement of which we have as yet had no news.

**NEW INTERNATIONAL LAWS**

Moreover, it is interesting to note that, in the course of this war, the belligerents have in some cases gone even beyond the existing written or customary laws. By agreement, they have established the new status of nonbelligerency and created new rules that may become customary in the wars of the future, such as the steps taken for the exchange not only of enemy diplomats but also of journalists, managers and employees of business concerns, and other private individuals. There are also plans, which in some cases have already been carried out, for the operation
of a postal service for civilians through the territories at war, similar to the one already in force for prisoners. I do not believe that any of these questions has been deeply considered in previous wars. In the present war, the agreements appear to be made by the belligerents from time to time and as the occasion arises.

There is no doubt that international law will not be weakened by the present conflict, even if it undergoes considerable changes in its institutions and recipients. Taking into account the present trend towards the political and geographical centralization of states into various spheres of influence, it may come about that in the near future the subjects of international law will be the Grossraums, that is to say, particular groups of states which, without being federations, will nevertheless have common ideals and policies. The international juridical system may be complemented by new customary laws arising from the practical necessities revealed by the present conflict as well as by new rules laid down in the peace treaties.

Nevertheless, the practical carrying out of international law will always have to be seen to by its individual subjects. War will probably remain as the ultimate legal means at the disposal of the states for the protection of their lawful rights and the satisfaction of their just needs. However, war will be avoidable for a long time to come if a just peace banishes those economic, geographical, and ethical disparities and injustices that are the fundamental cause of all wars. But a new conflict will inevitably arise if the peace terms are unjust, if the new law born of the peace treaties is founded not on equity but on terror and brute force.

After the elimination of those political monopolies through which certain states have hitherto enjoyed the riches of the world to the disadvantage of others, when trade has been re-established under reasonable clauses, above all, when those men who enslave the true interests of peoples and of states to their own greed and ambition have been destroyed—then it will perhaps be possible to avoid the outbreak of a new world cataclysm, with all the misery, mourning, and economic losses it irrevocably entails. But even so, war must not then be considered as wiped out from human relations. It will always weigh upon the horizon of international relations as the terrible sanction destined to strike—by the hand of the offended subjects—those other states which dare violate international law in the person of its recipients.

**Keys Which Never Turn**

Keys are made to turn in locks. But not so the new electric keys for electric locks. These new locks and keys are made of bakelit. By means of several parallel insulating sheets, the lock is divided up into several chambers. These chambers contain groups of electrical contact springs which correspond to the contacts of the key when it is properly inserted. If all contacts are correct, a current is released which opens the lock. If any but the right key is inserted, an electric alarm is set off.

The connections between the contacts in the key, which lie hidden inside in the key, can be changed, as can be the connections in the lock, thus permitting all kinds of variations. In this way, outwardly identical keys may belong to entirely different locks. Since the metal contacts of the key are level with its surface, no impression of the key can be made.