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The United States and the World Court by Philip C. Jessup

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trol. So long as the police are used to do illegally what society may not do legally, the Bill of Rights is so much window-dressing and citizen distrust is inevitable.

*Frank E. Haddad, Jr.**

THE UNITED STATES AND THE WORLD COURT, by Philip C. Jessup, Assistant Professor of International Law, Columbia University, with foreword by Elihu Root, published 1929 by World Peace Foundation, Boston, first reprinting 1970 by Johnson Reprint Corporation, 159 plus six pages of index.

Why this reprint at this time? Like Hamlet's father's ghost, awalk in the night, crying out in the mists of the darkness for redress of the murders of good schemes for peace for mankind? From 1929 to 1970 is a long time, and much has happened. But, has much changed? And that, probably, is the reason for this book to be revived now, reprinted by Johnson with Richard H. Leach, Duke University, as Editor-in-Chief.

A strange and intriguingly fascinating conjunction of events come near together now: in March, 1971, at Guatemala, the United States' two State Department representatives sign the protocol of the international revision of the Warsaw Convention. It limits death recoveries of air crash victims' families to one hundred thousand dollars on a sort of "no-fault" basis and recommends that Congress enact into law "no-fault" concepts for all United States states for all traffic cases, the American Bar Association enacts in Belgrade in July, 1971, a moot-court trial of international tort questions in collaboration with Mr. Rhyne's World Peace through Law movement, and, in "The Secret Lives of Laurence of Arabia" current historians and researchers reveal startling inside facets of World War I intrigues partitioning Morocco and Tunis which are dealt with by the World Court in a way reported on pages 670 and 671 of this reprint.

One has a strange feeling, like being in the haunted house at Disneyland, in reading this history of efforts to involve the United States after World War I in the League of Nations and in the World Court.

Elihu Root was an American lawyer of great stature. He was Secretary of State, and long continued his efforts to get the United States to support the World Court. He says in his foreword that

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Professor Jessup's history of the World Court "confines itself to the explanation of facts without arguing about them."

But this remark has to be read in the light of a curious development that arose from five reservations adopted by the U. S. Senate in January, 1926, the most troublesome of which dealt with U. S. reluctance to be affected by advisory opinions of the Court relating to any matter "touching any dispute or question in which the United States has or claims an interest." The British delegate to the Court convention, Sir Austen Chamberlain, called for a conference to discuss the reservation because he said it was not clear, as varying interpretations could be put upon it. Mr. Kellogg, the American then Secretary of State, rather brusquely said it was clear, and that was that.

Examples of the kinds of embarrassments the U. S. intended to avoid are given as:

- (1) Some dispute in which Argentina and England might be engaged, which would produce from the World Court a definition of the Monroe Doctrine; and,
- (2) An issue of some kind between Australia and Japan out of which would come a possible opinion about the power of any nation to exclude from immigration the nationals of any other nation.

Though the sixteen advisory opinions rendered by the World Court in the nine years it had existed up to the time this book was written (1929), had not impinged upon American interests, this fact did not allay the fears of our officialdom that we might become subjected to the determination of our fate by other nationals.

A connected discussion of points similar to this is found, for those interested in perusing this story, in Vol. 11, Hackworth's "Digest of International Law," pp. 194-95, where the aftermath is seen of France's helping itself to portions of Turkey following and during the overthrow of the Ottoman Empire at the end of World War I.

Not dealt with in this book, as it is not dealt with in any advocacy of world courts, is the question of how a nation yields any portion of its sovereignty to any master body, without becoming ultimately subordinate to its creature. If this be kept in mind clearly, then the reading of this "World Court" story can be a spine-tingling exciting experience reminding us how close we came to the spider-web!

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