probably confers no legal rights on the United States in Greenland as against Denmark. However, if the alleged necessity for establishing defense bases in Greenland is real, it would seem preferable to base our action frankly on the Monroe Doctrine than on the speciousness of a pretended agreement with the Kingdom of Denmark.

HERBERT W. BRIGGS

JUS INTER GENTES

The term "international law," as suggested by Bentham as the equivalent of *jus inter gentes*, is restrictive in meaning and misleading. The *jus gentium* advocated by Grotius was much more comprehensive. It embraced all the customs and the principles applicable to the members of the various *gens* who were under the *jus gentium*. Grotius was inspired to write his great treatise *De jure Belli ac Pacis* by his desire to mitigate the horrors of war. He was thinking primarily of the suffering *peoples*—"populos"—and not sovereigns. Kings, states, and nations were only the instrumentalities authorized to speak and act for their peoples.

The restrictive use of the term international law is an error having most unfortunate results. There is no sound justification for the repeated assertion that only states are subjects of the law of nations. That law had its origins in the rights of human beings. These rights did not flow from their allegiance to any sovereign. The means of protecting these rights were greatly limited, to be sure, but received increasing recognition in the slow development of international intercourse. Private international law, which the Anglo-American jurists have rather arrogantly termed conflict of laws, is a great body of jurisprudence dealing with personal, individual rights. These are governed by established principles and procedure. The law of prize has long acknowledged the rights of individuals to press their claims for damages on account of violations of international law. The rights of slaves and the punishment due to pirates have been the concern of the law of nations.

The international rights of individuals have been too long subject to the arbitrary pretensions of sovereign states. In some glaring instances questionable international claims in behalf of individuals have been exploited for diplomatic and aggressive purposes. In many cases the aggrieved individuals have been left without effective redress because it did not suit the foreign policy of their governments. It is nothing short of iniquitous to assert that an individual has no rights whatever unless some nation is willing to support his claim. This certainly is not true within the state: why should it be true between states? Such an academic theory would leave the many thousands of *heimatlos* refugees in a most degraded condition.

This theory that only states are the subjects of international law ignores a very simple and basic fact, namely, that whatever the nature of the claim or the means available for enforcing it by an individual, its foundation

logically is an original wrong—*damnum*—to a person. All else is fiction. To say that a man who happens to be *heimatlos* is without any international rights is as repugnant to a sense of decency as it is to common sense.

This problem of the rights of individuals under international law has long been latent in diplomacy and litigation. It is now of supreme importance because of the attitude of the totalitarian powers who would suppress individual rights throughout the world. The dictators have no use for any kind of international law that runs counter to their ideologies and aggressive purposes. They gladly accept the traditional theory that individuals have no status under the law of nations.

The unwavering ideal of democracies must of necessity be to exalt the rights of individuals. Viscount Halifax, now British Ambassador to the United States, in an address entitled "The World and Democracy," delivered at York, September 27, 1934, stated the purpose of democracy in the following language:

> The ultimate object of all government in the broadest sense is not merely the production of a State efficiently administered and orderly conducted; that is the means to an end—very important, but still the means to an end. The end itself is the fuller and freer development of human life so that each person may be enabled to make the most of his or her personality. Civics, politics—the regulation of the mutual relations of man to man in society—are the highest ways in which that development may be reached.

The rights of peoples, of men, women, and children, are now gravely threatened throughout the world. The traditionalists in international law would do well to ask themselves whether they are rendering good service to the higher aims of international law if they continue to minimize the rights of individuals.

It was most refreshing and encouraging to note during the sessions of the Annual Meeting of the American Society of International Law in Washington, April 24–26, that the general trend of the discussion was to stress the rights of individuals. It was repeatedly urged that new methods and institutions should be devised to facilitate the claims of individuals for the redress of international wrongs and injuries. This tendency should receive general approval and support. Plans for the eventual restoration of international law and order should include the administrative and judicial means of safeguarding the rights of individuals, irrespective of action by the state. No longer should we await the dubious intervention of governments in behalf of their "subjects." We must valiantly contend for the fuller recognition of the rights of human beings who are the proper, and the main, concern of all law. We must return to the earlier concept of the law of nations as *Jus inter gentes.*

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