EDITORIAL COMMENT

THE AMERICAN THEORY OF INTERNATIONAL ARBITRATION

The United States has been and is a partisan — we might almost say a violent partisan — of international arbitration. In times past it has submitted individual cases to arbitration and has expressed a willingness, indeed a profound desire, to bind itself to submit all cases susceptible of judicial treatment, and of a nature to be submitted, to international arbitration. Various general treaties of arbitration were negotiated in 1904 and were ratified by the Senate of the United States, with an amendment, however, which required for the establishment of the *compromis* the conclusion of a treaty. This would necessitate, therefore, the negotiation of an individual treaty in order to submit a question to arbitration which the contracting parties had already bound themselves to submit. There would be thus involved the delay incident to the conclusion of the treaty, and the exchange of ratifications would necessarily prolong the delay. Under these circumstances it was deemed inadvisable to submit the treaties as amended to the various powers for their ratification. It is doubtful whether the powers would have been