

**THE GREAT SOLUTION,
MAGNISSIMA CHARTA;
ESSAY ON EVOLUTIONARY
AND CONSTRUCTIVE PACIFISM**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649287215

The great solution, magnissima charta; essay on evolutionary and constructive pacifism by
Henri La Fontaine

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

www.triestepublishing.com

HENRI LA FONTAINE

**THE GREAT SOLUTION,
MAGNISSIMA CHARTA;
ESSAY ON EVOLUTIONARY
AND CONSTRUCTIVE PACIFISM**

THE GREAT SOLUTION

MAGNISSIMA CHARTA

ESSAY ON EVOLUTIONARY AND CONSTRUCTIVE PACIFISM

BY

HENRI LA FONTAINE

SENATOR OF BELGIUM

PROFESSOR OF INTERNATIONAL LAW

RECIPIENT OF THE NOBEL PRIZE



BOSTON

WORLD PEACE FOUNDATION

1916

JX 1952
L 15

COPYRIGHT, 1916, BY
HENRI LA FONTAINE

PREFACE

Five years ago, in 1911, asked to write some lines on what I considered as the last stage to be passed through by the world to reach the era of international security, I drafted a rough sketch of a world charter.¹ Even then others, anxious to help the peoples to evade the dreadful tragedy which they foresaw with a prophetic clearness and in which men, willy nilly, are now taking part, advocated reforms and suggested remedies intended to foil the endeavors of the mystic or selfish vindicators of might. Numerous and various were the propositions made, completing one another and showing the complexity of the problem and its multiple aspects. But they were not combined as a body of doctrine, and this failure perhaps explains their weakness and powerlessness in attacking the most irreducible forces in the world: routine, prejudice, tradition, the threefold and secular armor of those who have lived and are still living to the detriment of human collectivities.

They are now performing their deadly work, those profitsharers of social parasitism. They have cheered, extolled, provoked and led the great war, destined in their opinion to purify the world of all that is utopian and base. And now voices are clamoring, not one of which dares to applaud and glorify them. What these voices are asking for is to see the earth cleared of those wicked beings, nefarious praisers of murder, plunder and

¹ The Existing Elements of a Constitution of the United States of the World, American Association for International Conciliation, No. 47.

arson; and numberless projects and schemes are suggested for at last eliminating war from the surface of the globe, as famine, torture, plague and slavery have been.

Under the ægis of high-minded precursors—Castel de Saint Pierre, Immanuel Kant, William Ladd, Elihu Burritt, Henry Richard, Hodgson Pratt, Randal Cremer, Charles Lemonnier, Frédéric Passy, Bertha von Suttner, Jacques Novikov, Jan de Bloch—modestly I resume their work, but systematically. I am convinced that, out of the horrible distress now over-burdening the peoples, the need for a stable organization of the Society of States will arise in so pressing a form that this problem will have to be faced in all its aspects.

This I have tried to carry out in a concrete and precise form. Whatever may be the title given to the pact by which the States will in future settle their unavoidable relations, the agreement resulting from deliberations to be begun after the war will have an importance at least equal to that which the *Magna Charta* had in securing public order within the States. Would it really be too ambitious to give a similar name to what will necessarily be the *Magnissima Charta* intended to secure public order within the Society of States?

The object I have had in view is to show that the problem can be considered, that a complete and practical solution can be given to it and that it is possible to word a pact in terms as simple as they are juridical. Such a pact, like the constitutions of the various modern States, ought to be written in a tongue which can be easily understood by anybody and which yet expresses clearly all that is essential.

I do not delude myself about the value of the work accomplished. I know better than any one else the numerous verbal difficulties I had to overcome and the multi-

farious modifications the proposed texts had to undergo. If nevertheless I deem it my duty to submit to the criticism of specialists and to the public consideration the project I have drafted, it is not alone to provoke greatly desired observations and corrections, but mainly to point out the aim toward which the efforts of all those, who purpose to give to the world a lasting and if possible definitive peace, should be directed.

Born in distress and in exile, in the midst of the people who, seven centuries ago, was the first to draft for the benefit of mankind a pact of liberty,—written on the open sea, the brotherly highway between the peoples, swung by the waves which no human power can ever enslave or subdue,—completed on the soil of the most cosmopolitan democracy, where government of the people, by the people and for the people is a living reality,—I intrust to my fellowmen this imperfect work of mine, the result of long meditation, an expression of the hopes of those who decline to despair.

Boston, 1915./07./04.
Independence Day.

ACKNOWLEDGMENTS

The author expresses here his most hearty gratitude to Mr. Denys P. Myers, corresponding secretary of World Peace Foundation, for the valuable aid given by him in going over the manuscript and the proofs of this book.

He is not less grateful to the Executive Committee of the Trustees of World Peace Foundation for the Foundation's imprint.

CONTENTS

	PAGE
PREFACE	v
CHAPTER	
I GENERAL CONSIDERATIONS	1
II RIGHTS AND DUTIES OF STATES	11
III CONFERENCE OF STATES	47
IV JUDICIAL ORGANIZATION	67
V INTERNATIONAL ADMINISTRATION	75
VI GENERAL AND TRANSITORY PROVISIONS	88
TEXTS	
MAGNISSIMA CHARTA	97
Preamble	99
Preliminary Title: Rights and Duties of the States	99
First Title: Conference of States	103
Second Title: Judicial Organization	106
Third Title: International Administration	108
Fourth Title: General and Transitory Provisions	111
COMPLEMENTARY CONVENTIONS	113
I Judiciary Organization	
Explanatory Note	115
Complementary Convention for the Amicable and Judiciary Settlement of International Disputes:	
Preliminary Title	121
First Title: Amicable Jurisdiction	
Chapter I Good Offices and Mediation	123
Chapter II International Commissions of Inquiry	124
Chapter III International Council of Conciliation	125
Second Title: Arbitral Jurisdiction	128
Third Title: Contentious Jurisdiction	131