INTERNATIONALISM. AND PRIZE ESSAYS ON INTERNATIONAL LAW

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649614820

Internationalism. And Prize Essays on International Law by Arturo de Marcoartu & A. P. Sprague & M. Paul Lacombe

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

INTERNATIONALISM. AND PRIZE ESSAYS ON INTERNATIONAL LAW



INTERNATIONALISM.

BY

HIS EXCELLENCY DON ARTURO DE MARCOARTU,

EX-DEPUTY TO THE CORTES;

AND

Prize Essuys

OM

INTERNATIONAL LAW,

By A. P. SPRAGUE, Esq.

COUNSELLOR OF LAW IN THE UNITED STATES,

AND

M. PAUL LACOMBE.

ADVOCATE IN PRANCE

LONDON:

STEVENS AND SONS,

E. STANFORD, 55, CHARING CROSS.

NEW YORK :

BAKER, VOORHIS, AND CO.

1876.

DEDICATION.

TO THE RIGHT HONOURABLE

THE SPEAKER OF THE HOUSE OF COMMONS.

SIR,

I cannot with Montesquieu assert that I have come to this great country—which at the present moment anticipates the discussion of all problems affecting the moral and material well-being of the nations most advanced in civilization only "to think," but "to study."

I have striven to learn the opinions most esteemed and promulgated by the National Association for the Promotion of Social Science, by means of a competition, in which twenty-nine authors of Europe and America have taken part, for the solution of the problem embodied in the following terms:—

"In what way ought an International Assembly to be constituted for the formation of a Code of Public International Law; and what ought to be the leading principles on which such a Code should be framed."

On account of the interest of the best works presented at the competition which emanated from the United States and France, countries united so closely with Great Britain, the first by the ties of kindred, and the other by near neighbourhood, I venture to hope you will give me leave to dedicate to you the two Memoirs to which the Social Science Association has allotted

the Premium, and my own more unworthy lines as an introduction to precede them, concerning the constitution of an International Assembly, the framing of an International Code, the right of declaring War, and the expediency of Arbitration.

It is the best form in which I am able to give expression to the sentiments of admiration and respect I feel towards the House of Representatives of this country that has acquired the greatest experience in the pacific path of reform, which has been the first to adopt the principle of International Arbitration, and has bequeathed to future history the moral and solemn example of a magnanimous submission to three decisions by arbitrators whose awards were pronounced in a sense adverse to her own national pretensions, at Geneva, at Berlin, and at Paris.

I have the honour to be, Sir,

Your most obedient Servant,

ARTURO DE MARCOARTU.

BRIGHTON, January 25, 1876.

INTERNATIONALISM.

BY

HIS EXCELLENCY

DON ARTURO DE MARCOARTU,

EX-DEPUTY TO THE CORTES.

. 39 €3 (#

SUMMARY.

I.

Codification of the Law of Nations—International Representative Assembly and Supreme International Courts.

Cause of Agglomerations of Territory and Erroneous Ideas as to the Political Happiness of the Individual—European Confederation of Henry IV.—Holy, Alliance—European Equilibrium—Principles of Nationalities and of Natural Frontiers—Dream of a Federation of Peoples—Gradual Approximation of the Reciprocal Rights of Rulers and Individuals—Modern Internationalism—Each State holds different views on International Law—Two Methods for Codifying the Relations between Nations—Amphictyonic League—Panama Congress—European Congress proposed by Napoleon III.—International Representative Assembly nominated by the Executive, Legislative, and Judicial Powers of the State—Supreme International Court—Public efforts towards promoting the Codification of the Law of Nations—Parliamentary Conferences.

II.

Right of Declaring War.

The Head of a Representative Country disposes of the Lives of his Subjects in declaring War—The Autonomy of the Individual and of the National Sovereignty do not exist in International Questions—The Representative System exists in no country for the settlement of International Conflicts—Right of War by the French Charts of the last Century, the constitution of the United States and the new French Constitution—The French People were adverse to the late Franco-German War—Declaration of War by the Chambers and Veto by Plebiscite.

III

Arbitration.

Arbitration à posteriori and Arbitration à priori-Primitive Arbitrations-Resolutions of the Senate and House of Representatives of Massachusetts in 1832 and 1837-Failure of the Cobden Motion in the House of Commons in 1849-Resolution of the United States Committee for Foreign Affairs in 1853-Treaty between England and the United States in 1854-Treaty of Paris, March 30th, 1856-Opinion of Mr. Gladstone concerning this Treaty-Modification of the said Treaty in 1870 and 1871 -Moral outrage upon the Treaty of Paris by the Franco-German War-Arbitration negotiated by Sir John Bowring with Belgium, Italy, Switzerland, Spain, Sweden, and Norway; and by Spain and Uruguay-Arbitration voted in 1873 by the House of Commons and by the Italian Chamber; in 1874 by the Second Chamber of the Swedish Parliament; by the House of Representatives of the United States; by the Second Chamber of the States General of the Netherlands; and by the Belgian Chamber and Senate ...The votes of the Legislative Bodies the expression of a Desire, not the utterance of a Decree-Governments in a condition to stipulate Arbitration among themselves-General, Limited, and Special Arbitration-Composition of Special and Supreme Courts.

IV.

Truce of Peace.

Unquiet and Hazardous Peace of the Age-Seven Millions of Men, Formidable Arsenals, and Two Millions of Pounds sterling per diem, appropriated to purposes of Destruction-Five Millions of Paupers apt to excite social Conflicts and a War between Classes in Europe-Financial Embarrassments of the Nations-Men warring against Men instead of uniting to contend with the destructive Elements of Nature-All Powers proclaiming Peace yet all preparing for War-Religious, Political, Social, and Economic Evolutions formerly styled Utopias-Augmentation of the Commerce between France and Germany since the close of the War-The International is at present a Public Social Question-History teaches that Power obtained by War is the most unstable and precarious—Time, and the Progress of Morelity and Civilization will advance the Era of the New Internationalism-Proposal for a Truce of Peace, Disarmament, Arbitration and the Constitution of an International Representative Assembly.