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THE INTERNATIONAL CODIFICATION OF THE LAW OF LABOR

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The definite purpose of the International Labor Organization is the international codification of high social principles, which involves the establishment of an international law of labor. Its historic roots lie in the nineteenth century, but the creation of the organization by Part XIII of the Treaty of Versailles is so important and distinct a departure that the history of international labor legislation before 1919 pales into insignificance. In all probability the international mind of 1919 did not comprehend the future of the organization; what it is today is largely the work of M. Albert Thomas, Director of the International Labor Office in Geneva. It was Albert Thomas who first saw most clearly at the end of the World War the possibilities of the International Labor Organization. He conceived the idea of an international social code, based on the sanctity of treaties accepted by the states of the world, which would take a place of importance in the systematic law of peace. The International Labor Organization did not have to be what it is today, as some say, the most effective of the institutions which now make up the international government of the Family of Nations.

Yet the unromantic, undramatic, and technical work of this organization has caused a singular gap in the interpretation and appreciation of international coöperation. Its critics, notably Professor P. B. Potter, have suggested by implication that the work of the organization should be carried on by the League of Nations. The casual student of international relations may not even know of the existence of this organization, and many visitors in Geneva get no farther up the shores of Lake Leman than the Secretariat of the League. Even the members of the Secretariat are willing to voice their criticism. This is especially true when both the League and the Labor Organization are working on similar projects. The economic experts of the League have little respect for the economic experts of the office, and there is a general feeling among certain groups in the Secretariat that the Labor Organization should be part of the Economic Organization of the League. The press pays little attention to the work of the organization, and American millionaires who have made large contributions to the League have ignored, for the most part, the International Labor Organization.

But M. Thomas will not compromise. His organization must retain its independence, and in truth its independence is the work of M. Thomas. He

is directing the construction of an international code of social legislation, which will touch not only labor, but education, the economics of production and the economics of distribution. The fight is apparently over now, and the right of the organization to work on this code is generally recognized. The Permanent Court of International Justice has sustained broadly its jurisdiction, and the agenda of the annual conference is reaching over more and more of the aspects of economic life.

"The nineteenth century," said MacDonell, "was the age of commercial treaties; the twentieth may be that of labor conventions." The type of labor treaty with which we are here dealing was unknown until recent times. An interesting parallel is found between the subjects of legislative activity and the subjects of diplomatic negotiation; for, as the consideration given by parliaments to labor increased, the attention given labor through the channels of diplomacy also increased. For general purposes of classification, we may say that there are four different kinds of labor conventions. The first class deals with emigration and immigration of certain kinds of unskilled or contract labor, and measures to protect helpless workers from oppressive conditions. The second group contains clauses for the protection of home workers in their standard of living against the influx of low grade foreign labor, particularly against the competition of cheap Asiatic labor. A third group of conventions seeks to establish reciprocally equal conditions between native and foreign labor, and the fourth is drawn up to codify internationally the law of labor and to improve generally the conditions of labor. The first three groups are bipartite, while the fourth has lent itself to multipartite conventions. There is uniformity of purpose in all these forms, however, in that they arise from some type of labor competition or general humanitarian ideals. But it is only in the fourth group that an approach to universality of obligation is obtained, only here that a codification of labor law is suggested, and only here that a substantive international law of labor has real existence.[1]

What are the principles of the international codification of the law of labor? A distinction has been made between international labor law and the international law of labor. Some admit the former, but deny that the latter exists or should exist. Even M. Thomas would have admitted in 1919 that there was probably no international law of labor; but the work of the organization has effectively disproved the distinction as a result of ten years of activity. This law exists as a fact, and the only question now is whether the law will grow with assurance in the future. As the darkness of post-war economic depression has slowly lifted, the future of the international

[1]See John MacDonell, "International Labour Conventions," *British Yearbook of International Law*, 1920-21, pp. 191 ff; Albert Metin, *Les Traites Ouvriers* (Paris, 1908), *passim*.

law of labor has grown correspondingly brighter. Ratifications of international labor conventions have been steadily accumulating, the year ending in March, 1929, showing a marked and unusual increase in international labor obligations. As the future of the social ideals of the League of Nations depends on the International Labor Organization, so the future of the organization depends on the march of agreement and harmony in the international codification of the law of labor. Even in 1921, during the economic paralysis of Europe, Viscount Burnham could say: "To those who have not had our experience, the sum of agreement would pass belief."[2]

The work of the Labor Organization must be taken as a unity. We cannot separate the efforts of one conference from another. Each annual Labor Conference is a continuation of the preceding one; each international labor convention fits in with the others already adopted. New conventions are being related in principle to other conventions, and the ultimate ideal of the Labor Organization is that all of the fifty-five members of the organization will adopt all of the conventions and apply all of the recommendations of the Labor Conference which are relevant to their economic life. In such an event the social policy of the world would be one, and one of the strongest branches of international law would be the international law of labor, codified in a series of integrated international labor conventions and reflected accurately in the national legislation of each country. Only Luxemburg has ratified all of the conventions adopted by the conference up to 1928, and as M. Thomas said to the Eleventh Session of the Conference in 1928, that country "has treated all of the conventions as a sort of code of international labor legislation which it has accepted *en bloc*."[3] The unity of the work of the organization and the integrated character of its efforts are clearly shown in the classification of its program by subjects rather than by separate conventions. The Report of the Director now deals, not with each convention and recommendation, but with the general subjects upon which conventions and recommendations have been proposed. The broad headings of the work of the organization are seven; viz., working conditions, social insurance, wages, possibilities of employment, protection of special classes of workers, workers' living conditions, and workers' general rights.[4]

To say that the work of the organization is a unity does not carry with it the implication of universal standardization. The social principles of Article 427 of the Treaty of Peace recognize the necessity of diversity. The growing international law of labor will recognize that some countries will have uniformity between themselves, and in comparison with others will have a higher or lower standard. Protection, more than uniformity of pro-

[2]*International Labor Conference*, 1921, p. 583.
[3]*International Labor Conference*, 1928, p. 273.
[4]See *Report of the Director*, 1929.

tection for labor, is the goal. Some of the conventions operate on the principle of raising standards, of approaching an international ideal; others seek to establish minimum standards; and these diversities are to be characteristic of the codified law of labor. In his report to the Twelfth Session of the Conference, the Director remarked:

> It is recognized, as has already been stated, that in the case of a number of the countries the fact that they have not yet registered any ratification is not in itself very serious. In countries where industry is in its most primitive stages, ratifications would be purely formal. But whilst they might have no immediate practical effect, they would nevertheless constitute the framework of an embryo body of legislation for the protection of the workers.[5]

In the work of the Labor Organization, the background of experience has been recognized as a basic principle of codification. By bitter controversy within and without the conference, the principles of international labor legislation have taken shape. These principles are not spectacular, and they do not stimulate the interest and imagination of the passing student of international problems. The work of the conferences may seem at first glance minute and unrelated, and yet if we go beneath the unfavorable exterior there is a dominating unity of purpose in the Labor Organization. As John Bassett Moore has said, codification, whether municipal or international, reflects a passion for uniformity; but this uniformity outside the creative experience of mankind is false and uncertain.[6] The organization is seeking no labor Utopia, as some employers have thought in criticizing the work of the Director; but it insists on being free to consider progressive codification without being hampered by the failure of states to advance as much as they might. The organization, of course, adopts only those measures which it feels will be effective. Principles of humanitarianism as well as experience are to be the guide of the organization. Neither the ideal nor the minimum are to control. Viscount Burnham, in speaking before the Ninth Session of the Conference in 1926, said:

> To make law and custom work with life and not against it is the main purpose and pursuit of the International Labor Organization. With us progress is not "the realization of Utopias" by flights of the imagination, but by a steady approach to better and more equalized conditions of life and labor by common agreement and endorsement.[7]

[5] *Report of the Director*, 1929, Sec. 98. In 1921 Thomas wrote: "The international codification of a reform which has already been adopted by some states tends to impel others to bring conditions of work in their own country up to those prevailing in states which have adhered to the general agreement." *International Labour Review*, I (1921), 17.

[6] J. B. Moore, *International Law and Some Current Illusions* (New York, 1924), pp. 316-38.

[7] *International Labor Conference*, 1926 (9), p. 6.

Most attempts to codify international law have been efforts to stabilize uncertain national practice, and creative efforts have been limited largely to the interstices in the recognized legal structure of the Family of Nations. The International Labor Organization began its work in an almost virgin field. The Berne Conventions of 1906, it is true, had opened the way, but the limited program practicable before the war was too narrow to satisfy the vigorous humanitarianism back of the Labor Organization. Therefore, piecemeal codification, or codification of certain aspects of labor relations, has been attempted. The work of the organization in regard to seamen has been the most open and unconcealed attempt at the international codification of the law of labor. The problems of seamen are international, while such matters as minimum wage fixing machinery are only indirectly international in economic effect. Three sessions of the Conference have been devoted to the protection of seamen. It is here that the principles of codification have been debated and most clearly considered; and it is here that the principles we have been discussing have been formally adopted. Piecemeal codification, which is at the same time international legislation, is the program of the organization. As international labor legislation is created by coöperation, it is at the same time being added to the international law of labor, which is becoming recognized as the progressive social policy of the world. The work of the organization is at once to legislate and to codify. In almost every case the essential principles of the conventions adopted by the conference have reflected the practices of states, though in many cases the practice only of the more advanced members of the organization. The international law of labor is being created by legislation, which, because of its international character, is at the same time the fragmentary codification of standards on subjects ripe for treatment, with a view towards the integration of all partial codifications under an international social system. When there is no national law to begin with, a widely ratified convention is international legislation in the purest sense; when there is national legislation, there is codification in a true sense; but in the work of the organization international legislation and codification are completely blended. In dealing with the general problems of post-war codification, Hershey has remarked:

> Thus the work of official codification may be said to have begun. It is not codification in the old narrow sense of merely stating existing law in the form of a code, but also includes legislation or the adoption of new rules. What is needed for the advancement of international law is not so much codification as legislation. In the international world, either can only be accomplished adequately through the treaty-making power, but this power can be set in motion through the agency or under the auspices of the League of Nations.[8]

[8] Amos S. Hershey, *The Essentials of International Public Law and Organization* (New York, 1927), p. 521 note, *passim*.

The first concentrated attention given the problem of codification came in the Second Session of the International Labor Conference in 1920 when maritime questions were discussed. The Labor Office sent out a questionnaire on the formulation of an international seamen's code and the results were placed before a commission of the conference. The commission adopted as a fundamental principle that the way to advance codification was to secure national codes before an international code was drawn up, for uniformity could be more easily established on the basis of clear national policy. They reported as follows:

> The commission has experienced some difficulty in defining what is meant by an international seamen's code. It has decided that the term shall be used in this report to mean a collection of the laws and regulations dealing with the condition and position of seamen as such which it may be possible for the various maritime countries of the world to adopt as a common and uniform body of international seamen's law.

The commission placed great value on historic instances of codification as seen in the Code of Oleron, the Rhodian Sea Law, and the Consolato del Mare. The London Conferences of 1913 and 1914 were suggestive. Since 1893 Denmark, Norway, and Sweden have had a common shipping law, and the Merchant Shipping Laws of Great Britain were considered indicative of the proper content of an international code. Moreover, experience showed that periodic modifications of sea law by conventions is possible. The advantages of such codification would consist chiefly in the protection given to seamen, and the prevention of the use of seamen for gain in international competition. The British government, for instance, secured a uniform loadline by refusing to permit ships not having a safe loadline to enter British ports. This assured protective legislation after diplomatic negotiations had failed. The report of the commission set forth clearly that codification was best where there was already a considerable amount of uniformity. A mature law was needed before successful codification was possible. A resolution was adopted by the conference instructing the International Labor Office to carry on investigations which might lead to a code. A recommendation suggesting the establishment of national seamen's codes was also passed, and a minority report expressing seamen sentiment stressed the need for explicitness concerning the principles which should go into a seamen's code.[9]

Two International Labor Conferences were held in 1926, the second dealing with the same kind of problems which the Second Session had considered in 1920, the international protection of seamen. The agenda was agreed upon by the governing body as a result of the resolution of the Joint Maritime Commission adopted in September, 1924, which was in accordance

[9] *International Labor Conference*, 1920, pp. 166 ff, 555.

with the 1920 resolution of the Conference that questions be placed on the agenda in the future leading to conventions and recommendations codifying seamen's law.

It was generally agreed that the Ninth Session of the Conference was a continuation of the work of the 1920 Conference, and this was a significant recognition of the fact that there should be a sense of organic unity between the succeeding conferences. However, the more conservative shipowners criticized sharply the part played by the Labor Office in preparing for the session. Cuthbert Laws of Great Britain led the attack. The conference in 1926, he said, is bound by the Conference in 1920. The Genoa Conference of 1920 had decided that there should be an international seamen's code, but in 1920 no such code was in existence; its intention was to seek uniformity in maritime laws and not new and untried experiments. Historic codes, he argued, were not new laws but the compilation of the practices of nations. The activity of the Labor Office in its proposed steps towards codification had not, however, followed the minimum character of the code suggested by the conference in 1920. Laws, as a member of the Joint Maritime Commission, said that the feeling of the commission was that the office had failed in the rudimentary steps assigned to it, that of collecting and digesting national laws on the subject. The proposals of the office did not show whether there was agreement in national legislative practice on the proposed conventions. In short, he wanted the conference to work from the ending of the 1920 Conference rather than from the material presented by the International Labor Office. A Norwegian delegate, after noting the disagreement between the office and the Joint Maritime Commission, said:

> The office has, nevertheless, without consulting the Joint Maritime Commission, prepared three draft conventions disconnecting the different questions of importance which, in our opinion, cannot be separated.

Director Thomas replied with vigor to these criticisms. As a basis of codification, the office had carried out the preliminary work of drawing up conventions and recommendations. No government in its replies to the inquires sent out by the office had objected to a departure from the decisions of the Conference of 1920. Moreover, the charge of having departed from the instructions of 1920 was not raised until 1925, and the conventions and recommendations submitted by the office were based on the replies sent in by the governments. The workers' group in defense of the office contended that the shipowners were in reality attempting a no confidence vote in the office.

The Cuthbert Laws resolution demanding that the question of codification be considered as a whole rather than through the separate conven-

tions submitted by the office, and that the code should contain principles generally recognized, was defeated after prolonged debate by a vote of 27 for and 61 against. The defeat of this resolution tended to establish as a principle of codification that the International Labor Organization does not need to be bound necessarily by contemporary legislative practice. The way was opened for constructive leadership towards better standards. But there was no suggestion that the principles operative at a given time should be ignored; they should not be binding, and the code need not necessarily be a minimum code.

A second resolution proposed by Cuthbert Laws attempted to secure unified consideration of the subjects on the agenda. It read:

> Resolved, that as the principles underlying the agreement with the crew and the maintenance of discipline on board ship are indissolubly bound up, such international codification must necessarily combine the provisions relating to these subjects.

The shipowners were overwhelmingly defeated in the vote on this resolution. The draft conventions submitted by the Labor Office were taken as the basis of discussion, though the convention on discipline was later refeated, first as a convention and then as a recommendation. The proposal of the shipowners for one committee to consider all proposals relating to seamen was next defeated, and three committees were organized on the first item of the agenda. Th general attitude of the workers' group was to vote against any measure which would make the protection of seamen dependent on national standards. They came to the conference to codify laws and not to refer matters back to national discretion.[10]

The debates in the Ninth Session of the Conference established principles of codification that are likely to remain fixed in the practice of the organization. While the theory of a minimum code was rejected, this view is in essential harmony with the assumption that national codification must precede international codification. The position of leadership in the Labor Office was vindicated; it is not merely to collect information which may be of value in codification, but it is to take a positive stand in favor of progressive international measures. M. Thomas' Report to the 1927 Session of the Conference observed that the work of the Ninth Session had been a great stimulation towards national codification of laws relating to seamen.[11]

For the most part, discussions in the conference are of a specialized nature, though they deal with all phases of international social policy. Experts from all portions of the world come together and work seriously at minute bits of a growing international law of labor. There is a consciousness that they are using age-old principles of international political and

[10] *International Labor Conference*, 1926 (9), pp. 18 ff.
[11] *Report of the Director*, 1927, Sec. 178.

diplomatic relations for the advancement of international social coöperation, and that their work, if done properly, will find its way into the body of international law governing the peaceful relations of states.

We must summarize briefly the work of the conferences, or, rather, state the influence of conventions and recommendations on national labor law. Though conventions are not signed as an ordinary treaty, they are ratified as such, while recommendations are merely to be embodied in national law. Communication of ratifications is made to the Secretary-General of the League of Nations, and the application of recommendations to the International Labor Office. Under Article 408 of the Treaty, annual reports on the enforcement of ratified conventions are required of all members of the Organization.[12]

At the conclusion of the Twelfth Session of the Conference in June, 1929, twenty-nine conventions and thirty-four recommendations had been adopted by the International Labor Conference. In 1919, conventions were adopted which provided for the eight-hour day and forty-eight hour week in industry, free public employment agencies, the protection of women before and after childbirth, the prohibition of the employment of women during the night, the prohibition of the employment of children in industry under fourteen years of age, and the employment of children at night in industry when under the age of eighteen. The 1920 conventions prohibited the employment of children under fourteen on vessels, provided unemployment indemnity for shipwrecked sailors, and for free employment offices for seamen. In 1921, conventions established the rule that children under fourteen are not to be employed in agriculture in any way that will interfere with their school work; that agricultural workers of any country are to have the same right to organize as have industrial workers; that agricultural workers are to be included in the operation of workmen's compensation laws; that white lead is not to be used in the internal painting of buildings, except in certain circumstances enumerated in the convention; that every member of the staff of every industrial undertaking is to have a weekly rest period of twenty-four consecutive hours; that no one under the age of eighteen is to work on a vessel as a trimmer or stoker; and that anyone under eighteen wishing to work on a vessel must have each year a properly authenticated medical certificate declaring him fit for the work.

No conventions were adopted by the Conference in 1922, 1923, or 1924. But in 1925, conventions urged that workmen receive compensation for industrial accidents; or, if the accident is fatal, their dependents are to receive compensation; that workmen are to be compensated for occupational dis-

[12] See *Report of the Director*, 1929. The *Report* consists chiefly of discussion of the influence of conventions and recommendations on the labor policy of the member states.

eases on the same principles as for industrial accidents; that citizens of any country ratifying the convention, if injured while at work in another ratifying country, are to receive accident compensation on the same terms as would citizens of the country in which the accident occurred; and that night work in bakeries be forbidden. In 1926, conventions provided that inspectors of emigrants on board emigrant ships are not to be appointed by more than one government, which, except an agreement be made to the contrary, is to be the government of the flag flown by the ship; that seamen's articles of agreement are to be signed by both parties under public supervision, and with the certainty that the seamen understands their content; and that seamen are not to be left in a foreign country without arrangements for getting back to their own country, or the port at which they were engaged, or the port from which the voyage was commenced. The conventions of 1927 stipulate that sickness insurance under public control is to be compulsory for all workers except those exempted in the terms of the convention; and that compulsory sickness insurance is to be provided for all agricultural workers on terms similar to those on which it is provided for industrial and other workers in the previous convention. One convention was adopted in 1928, which provided that minimum wage fixing machinery should be established in trades or parts of trades (home workers particularly) where there is no arrangement for collective bargaining and wages are exceptionally low. Finally, the 1929 conventions state that packages transported by vessels must be marked as to weight when weighing more than one metric ton; and that workers engaged in loading and unloading ships should be protected against accidents in the course of their work.[13]

[13]The recommendations adopted by the Conference cover a great variety of subjects, usually stating principles which are not ripe enough for international legislation or dealing with subjects of a technical character to assist in carrying out conventions. The recommendations consider the process of abolishing fee-charging employment agencies, reciprocity of treatment of foreign workers, prevention of anthrax, protection of women and children against lead poisoning, the establishment of government health services, the application of the Berne Convention prohibiting the use of white phosphorus in match manufacture, the limitation of the hours of work in the fishing industry, the limitation of the hours of work in inland navigation, the establishment of national seamen's codes, unemployment insurance for seamen, the prevention of unemployment in agriculture, the protection before and after childbirth of women wage earners in agriculture, the night work of women in agriculture, the night work of children and young persons in agriculture, the development of technical agricultural education, the living-in conditions of agricultural workers, social insurance in agriculture, the application of weekly rest in commercial establishments, the communication of statistical information on emigration, immigration, and the repatriation and transit of emigrants, the general principles for the organization of systems of inspection to secure the enforcement of laws and regulations for the protection of workers, the development of facilities for the utilization of workers' spare time, a minimum scale of workmen's compensation, jurisdiction in disputes on workmen's compensation, workmen's compensation for occupational diseases, the equality of treatment for national and foreign workers regarding workmen's compensation for accidents, the protection of emigrant women and girls on board ship, the repatriation of masters and apprentices, the general principles for the inspection of the conditions of work of seamen, the general principles of sickness insurance, the establishment of minimum wage fixing machinery, the prevention of industrial accidents, the regulation of the manufacture of power machinery, consultation with industrial organizations on regulations to carry out the convention on the prevention of accidents involving dockers, and the reciprocity of inspection of certificates.

Not counting the ratifications of the Berne Convention on the use of white phosphorus, by August, 1929, 362 ratifications, conditional and unconditional, were registered with the Secretary-General of the League of Nations. No communications have been made by seventeen members of the organization, and twenty-four members have ratified no convention. Twenty-four ratifications of the 1925 convention providing for the compensation of workmen of foreign citizenship were received; twenty-two of the convention on minimum age at sea, twenty-three of the unemployment convention; twenty-one of the convention on the night work of young persons, the minimum age of trimmers and stokers, and the medical examination of young persons at sea; nineteen of the conventions on the night work of women and the right of association in agriculture. Of the conventions adopted before 1927 only one, that on night work in bakeries, had received as low as three ratifications. The ratifications are distributed among a majority of the members of the organization, but it must be admitted that the crux of the whole international labor movement is really the convention on the eight-hour day and forty-eight-hour week.[14]

This convention reflects the progressive legislation of many of the members, and yet because of the fear of competition and technical questions as to the position of collective bargaining under it, ratification has been slow. With the statement of the labor government representative of Great Britain in the Twelfth Session of the Conference that this convention is to be ratified, we have one of the most important declarations of international labor policy in recent years.[15] With England's unconditional ratification, the way is opened for the rest of the important countries of Western Europe to adopt the convention, and the present conditional ratifications will become a thing of the past. Fourteen governments have ratified this convention, among which are the conditional ratifications of France and Spain, and the unconditional ratifications of India, Belgium, and Czechoslovakia. Luxem-

[14]The *Report of the Director*, 1929, gives ratifications up to March of this year only. Further data as to ratification was obtained from ratification charts issued by the International Labor Office from time to time.

[15]*United States Department of Labor*, "Monthly Labor Review," XXIX (1929), 392-93.

burg has deposited twenty-five ratifications; Belgium, nineteen; and other governments, a correspondingly smaller number. In March, 1929, the Director reported 349 communications by members of the organization indicating their application of recommendations in national law.

The tremendous multiplication of international obligations introduced by the multilateral labor convention is binding the world together in common social policies; where the conventions are not ratified they are influencing to a large extent social legislation in various countries.[16] The broad function of the organization in codifying the law of labor was expressed in the following terms in 1924 at the Sixth Session of the Conference:

> Chile is convinced that, by its very existence, the International Labor Organization influences public opinion in all countries, and creates a favorable atmosphere for the peaceful solution of social problems. It has established an international labor code of which the principles, whether formally ratified or not, should be respected by all civilized nations.[17]

Undoubtedly, the International Labor Organization is a success, and its progress, as shown by seventy-nine new ratifications during the year ending March 15, 1929, is being accelerated rather than retarded. Slowly, but certainly an international law of labor is being codified by the integrated system of labor conventions and recommendations which come from Geneva, the capital of international labor coöperation.

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[16]See "Industry, Governments, and Labor," *World Peace Foundation*, XI (1928), Nos. 4-5, 622-30, for a careful analysis of national and international action on the draft conventions adopted by the end of 1928. This volume, though unsigned, is by Denys P. Myers, Research Director of the World Peace Foundation. Myers shows that the 334 registered ratifications at the time he wrote are the equivalent of 2,582 bilateral treaties.

[17]*International Labor Conference*, 1924, p. 41.

TENDENCIES TOWARDS ESTABLISHING A PERMANENT PARLIAMENT OF INTERNATIONAL LAW

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At the Institute of 1927, a subject presented was the progress of codifying international law. A broader and more diversified consideration can now be outlined upon the subject of general international legislation, if it may so be called, and especially upon some tendencies towards establishing a permanent parliament of international law. It is not proposed that the idealism of Tennyson's "parliament of man" is coming to be realized, or that there is any expectation of having a single legislative body for all the world. Nor shall we predict an enlargement of scope and the giving of new powers to the Interparliamentary Union or to the Council and Assembly of the League of Nations. We rather mean that the labors of codifying international law, however worthy, satisfy only in part the requirements of world progress. The code centers upon principles, while an advancing civilization demands expression of its will more generally and more practically. If there could be prompt and adequate statement of public opinion and public provision for purposes universal, just as there mostly is for purposes national, our international security and welfare would be better assured. And the multiplication of international conferences, with resulting treaties, suggests that we have been making effort to accomplish that object. Are we conscious of the tendencies and of whither they are leading?

It is fifty years or more since conferences of all nations came to be frequent and numerous, and some of them to be held regularly or, one might say, with permanence. There is a list of these conferences, or rather of those resulting in "law-making" treaties, in Oppenheim's third edition, 1920; and it will be noted therefrom that from 1864 forward the conferences contributing to international law, that is, declaratory of customary law and establishing rules for newly developing situations, have much increased in number and some of them are held from year to year or in other stated intervals like national legislatures. Oppenheim observes that since the Family of Nations is not a state-like community, there is no central authority which can make law for it in the way that parliaments make law by statutes within the states; that the only way that international law can be made by deliberate act, in contradistinction to custom, is that the members of the Family of Nations conclude treaties in which certain rules for their future conduct are stipulated; and that, of course, such law-making treaties create law for the contracting parties solely and that such law becomes true international law