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Role of International Law and an Evolving Ocean Law
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INTRODUCTION TO INTERNATIONAL LAW

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International law suffers both from its friends and its enemies. Its enemies include the geopoliticians, who hear nothing but the surge and crash of great international forces; the Kennanites, who rebel against a "legalistic" approach to international affairs; and the specialists in international relations, who, not knowing very much about the subject, lump international law, as conceived by Hugo Grotius, with the League of Nations, the United Nations, and the control of the white slave trade. The similarity between some of the friends of international law and most of its enemies is that they overstate the pretended case for international law. It is then all too easy to demonstrate that, despite the claims made for international law, the world is still in a deplorable state. The truth lies somewhere between the contentions of those who find no place for international law in the savage world of interstate relations and those who believe that the millennium can be achieved with a heavy infusion of international law and good will. What is the correct view must be left to each of you to determine at the end of this brief introductory course.

It is quite clear that man has not been able to legislate war and aggression into defeat or even into retreat, although the institutions which the international community has developed exercise some restraints on the use of force. Customary law cannot cope adequately with the need for peaceful change. If a nation needs more territory or larger markets, the law cannot provide them. It cannot make an unhappy people happy; it cannot turn arid desert into a flowering paradise; it cannot bring international tranquility and understanding where discord reigned before. Indeed, it might be safe to say that international law has been most successful in dealing with minor matters and with the slighter causes of international friction. Probably it shows a greater facility in preserving the status quo than in doing justice.

Within these severe limitations, international law does play an important part in minimizing possible sources of international friction and in making it possible for nations and their people to live together peacefully in an increasingly crowded world. This is not to say that it is the only force making for these

conditions. Merchants do not perform their contracts only because the law grants a remedy against them if they do not. The Uniform Code of Military Justice and the law of the State of Rhode Island are not the only restraints which keep you from resorting to physical violence against those you dislike or with whom you disagree. So also in the international sphere, enlightened self-interest, certain consideration of morality, the desire for stability, and the fear of retaliation work with the precepts of international law to maintain international order. Actually, it is impossible to separate international law from these other forces, for the law which governs the relationships of States has its origins in self-interest, morality, the quest for stability, and the fear of the consequences of conduct departing from international standards.

International law—or the law of nations, as it is sometimes called—performs two major services. The first of these is to insure stability. The second is the creation of arrangements for future avoidance of conflict and dispute.

I must speak first of the law's function in the preservation of stable international relationships, for this is the principal concern of the customary law which has grown up over the course of the centuries. One of the greatest legal thinkers of our age, Hans Kelsen, who served for a year as Professor of International Law here at the War College, has written a book on the "General Theory of Law and State." He speaks in page after page of a "basic norm" upon which all international law and all national legal systems depend. One waits anxiously for this key to the legal universe as one reads through several hundred pages of profound and not altogether easy prose. Finally, on page 369, one finds the basic principle upon which all else depends—"The States ought to behave as they have customarily behaved." At first reading this statement sounds didactic, unhelpful,

perhaps even foolish. It is certainly anticlimatic. But a little thought will, I think, persuade you that this is a useful key to international law. But why, in a dynamic universe, should we behave as we have in the past? We do so because if we allow our conduct to fall into certain patterns, we avoid some of the clashes between States which would arise if each point of contact presented a fresh issue to be fought out. If persons having to pass through a farmer's field keep to the path and if the farmer refrains from planting his crops in that path, there will be scant possibility of any dispute between pedestrians and the farmer. If people constantly take different paths across the field and the farmer blocks off various paths, bad feelings and even violence can be anticipated. Other reasons as well dictate that we should act within the legal limits which have grown up through force of custom in the past. If we react differently in different instances of the same factual situation, our conduct becomes inconsistent and irrational. Plain laziness may be another reason why we should continue to act as we have acted before. If a conflict of interests in the past was solved only with much pain and difficulty, there is no reason why the battle should be refought each time the identical conflict of interest arises.

This psychological explanation of why we find it expedient to conform to the pattern of rights and duties previously established leaves unanswered the question how these rights and duties arose in the first place. Some of them are based on principles of justice not unlike those underlying the laws of various countries. The responsibility a State has for the injury which one of its employees inflicts on an alien, for example by taking his property without compensation, is a reflection of what most systems of law have considered to be just dealing over the course of the years. In other instances, the role of justice is somewhat less clear. There is

no great principle of right dealing which calls for a territorial sea of three miles instead of two or four. Historically, the limit was more or less arbitrarily established and was not even, as many people think it was, equivalent to the range of cannon in the eighteenth century. An international boundary is not, except in terms of politics, "just" or "unjust"; it simply *is*. The respect which the law demands for the distinction between what is mine and what is thine, however, can be said to reflect just dealing. A third area of international law is the result of the adoption of policies for the regulation of international intercourse. Of this nature are the immunities enjoyed by diplomats and consuls. Justice might demand that if an ambassador were introducing narcotics into the State to which he was accredited in violation of its law, he should be prosecuted in the courts of that State. But it is considered that the conduct of international relations will be facilitated by giving the ambassador complete freedom from suit. Any other rule might make it difficult for him to carry out his representative functions.

I spoke several minutes ago of the second role of international law as being the framing of institutions and arrangements which will permit nations, in their relations with other States, with international organizations, and with aliens, to avoid conflict and to create the conditions under which political and social and economic security can be achieved. It might be more correct to speak of this as a role of the international lawyer, for this is essentially a creative function. Those charged with the making of a new law must also know what principles, rules, organizational forms and controls have worked in the past, for, as Santayana has reminded us, those who forget the past are condemned to relive it. This is no more than to say that the lawyer or layman who is drafting a treaty should have a grounding in customary interna-

tional law. Amongst the problems with which we will deal in seminars during the next ten days, you will recognize some problems which ask you to declare what the proper result would be under the existing law and others in which you are asked to think creatively about what should be the future of the law.

In what I have to say about the origins and purposes of international law, I do not mean to underestimate the importance of international politics—of power politics. Statesmen and lawyers from the Latin American States not infrequently complain that the principles of responsibility for injuries to the persons and property of aliens which can be derived from the numerous cases decided by arbitral tribunals reflect the fact that marines and gunboats made it possible for the United States to force arbitration of these cases on terms favorable to the United States. The most recent example we have had of the way in which politics molds international law was in the Geneva Conference on the Law of the Sea. As to each proposal made at the Conference, the question of each State was: How will this affect my political and economic interests? Saudi Arabia and Israel were worried about how the provisions on bays and on passage through straits would affect Aqaba and the Straits of Tiran. The CEP Powers—Chile, Ecuador, and Peru—were concerned with the maintenance of a 200-mile territorial sea. Iceland wondered how the fishing grounds of its coast would be affected. Panama wished to protect its position as a refuge for shipping seeking a minimum of regulation. Failure to agree on the breadth of the territorial sea, admittedly a most important matter, should not obscure the fact that, in spite of these political differences, some sound conventions were hammered out. As you read these, I think you will be persuaded that they represent a sound and just balancing of interests and that they should and will be adopted by

a substantial number of States.

A healthy political realism is useful. It should not lead you to cynicism. States do conform to international law even though abiding by the law in a particular case may cost them money or be adverse to their interests. The record of compliance with the judgments of international tribunals is excellent. States do pay international claims arising out of violations of international law committed by their officials, members of their armed forces, and their employees. The United States, for example, has paid for the foreign vessels which it requisitioned, consistently with international law, during the Second World War. Egypt has paid full compensation for the nationalization of the Suez Canal, as international law probably required it to do. Each time that a State acts in accordance with international law, it makes it easier for that State to demand conformity with international law by other States.

The durability of law is attested by the fact that it survives even in time of war, when the belligerents have cast off those restraints which normally keep them at peace. There is virtually no law governing the conduct of hostilities themselves, but as we move further from the scene of battle and conditions become somewhat more stabilized the law increasingly becomes able to perform its humanitarian mission of protecting the victims of war from unnecessary devastation and suffering. Even the total war of today does not require the extermination of the part of the civilian population that does not take part in hostilities; the wounded and sick, and prisoners of war, the protection of whom is not only compatible with the efficient conduct of hostilities but also is conducive to victory in the political struggle of which the use of force is only one aspect. A large part of the law of the sea is devoted to striking a balance between the demand of the belligerents to carry on their economic

blockade and the need of the neutrals to maintain their trade. The important changes wrought in the law relating to contraband and blockade as the result of two World Wars will be considered in some detail in connection with the seminar problems on the economic blockade, which are designed to draw attention to the new developments in this field. Over and above these two functions of regulating the conduct of the belligerents toward the victims of war and neutral nations and their trade, the law of war, in dealing with such subjects as armistices and surrenders and negotiations between belligerents, provides procedures for bringing hostilities to a close short of total annihilation of one or both of the contending parties. I assume that those of you who may have some mental reservations about a battle fought between two scorpions in a bottle may not be unsympathetic to these purposes of the law of war. The law of war has been violated often, but, every instance in which it has been observed, it has brought about a mitigation of violence, often measurable in terms of human lives saved, and this without prejudice to the efficient conduct of war.

To many, lawyers and nonlawyers alike, it seems incredible that a body of rules purporting to govern the conduct of nations but providing no sanctions or punishment for their violation should be called law at all. It is not altogether fair to speak of international law as a sanctionless body of law, for the great numbers of cases in which damages have been awarded and paid and in which individuals have been punished for criminal violations of the law of nations bear witness to the contrary. The single category of cases in which civil damages most commonly have been granted are those arising out of wrongs done by States to aliens. Criminal penalties, leaving aside such exceptional offenses as piracy, have been reserved for violations of the law of war, which resemble the

normal crimes punishable under national legal systems to such a degree that some countries even have tried war criminals under their ordinary penal codes. Yet a third type of satisfaction exists in international law—the apology or rendering of honors or other admission of violation of the law. One should not scoff at these symbolic acts. They constitute outward and visible signs of what should be the correct relationships between the parties and the proper principle of law to be applied in the future.

But, you justifiably object, what force is there to compel a State to pay the damages which have been assessed against it, or to render up its nationals for trial by a foreign court, or to admit the impropriety or illegality of its conduct in a particular case? Admittedly, there is no international sheriff armed with power to see that judgments are enforced or that the parties appear before an international tribunal in the first place. But it is easy to overemphasize the importance of the sanction. A superior court has no forceful means at its disposal to compel obedience to its mandate by a subordinate court. If a court directs a command to the executive which goes unheeded, what means has it of compelling that obedience? You may remember the words attributed to President Jackson: "Well, John Marshall has made his decision, now let him enforce it!" A comparative statistical analysis of the number of divisions available to the Pope and to the United States Supreme Court would not be difficult to make. And if a hillbilly called to high political office voices contempt for the law of the land and allows the mob to rule within his jurisdiction, can the sanction of employing loyal troops solve this problem of subversion? Sanctions, as we commonly think of them, seem to belong to the normal day-to-day enforcement of the law. The great edifice of our constitutional system is held together not by the

fear of duress if the law be violated, but by a common devotion and loyalty to the law by those charged with its making and its application.

Moreover, as I mentioned some minutes ago, it is not the law alone, in the form of a fear of criminal penalty or of civil damages, which secures compliance with law. Morality, taboos, social pressure, the views of the community, and religion are among the forces allied with the threat of penalty or damages in securing compliance with law.

It thus would appear that the sanction behind the sanction in national law is the sense of the community that it should be governed by the rule of law. It is that basic sanction which is lacking very largely in the international sphere. It is not absent altogether, however, for, if it were, the world would be in a state of anarchy. The extent of the conviction in favor of submission to law varies from country to country, from international relationship to international relationship, from legal principle to legal principle, and from case to case. With many countries of the world, the United States has a vast network of agreements, which are carried out on a routine basis, although differences of views as to interpretation may arise from time to time. The United States can carry on discussions with Great Britain or France or Switzerland or Japan in terms of international law, and both parties can make themselves understood. We—and I speak here of a responsibility all Americans bear through our senators—are, on the other hand, unwilling to concede to the International Court of Justice compulsory jurisdiction over disputes with those States with which we have the closest affinities of law, tradition, interest, and security. In their public pronouncements, our principal ministers are dedicated fiercely to the rule of law and in steadfast opposition to international sin. In its actual conduct in particular cases, this country frequently shows itself as zealous to

preserve its sovereignty—which is a polite way of saying being a law unto itself—as other major powers.

In the present state of international law, it is not surprising that the law should not be interpreted uniformly, even in theoretical terms, throughout the world. Legal rules sometimes exist on a regional basis. A clear example is the principle regarding political asylum in embassies which prevails in Latin America but only to a very limited extent elsewhere. More obvious to the eye is the peculiar nature of Soviet international law. This cannot be explained solely in terms of Marxist theory. The Soviet view of international law is without doubt a servant of the policy of the U.S.S.R., and, as such, it serves a most important defensive function. If you were to compare the international law of modern Russia with that which prevailed in the rest of the world in the late eighteenth and early nineteenth centuries, I think you would be struck by the similarity. Soviet international law is strongly isolationist and places great emphasis on State sovereignty; that is, on freedom from interference by other States. This shield against legal controls permits the U.S.S.R. to carry out its policies through internal subversion and through political pressures, while international law is used to ward off legal attacks on the U.S.S.R. and the nation within which the subversion is being practiced. There are other aspects of Russia's attitude toward international law which stem from the history of Russia and would remain unchanged if the U.S.S.R. were to join the Free World tomorrow. For example, one of the cardinal principles of Soviet foreign policy has always been to maintain the Black Sea as a private swimming club, with outsiders barred at the Turkish Straits. If the Russians are difficult about this point, it is not the corrupting influence of Communism which has made them so.

This is not the time nor am I the

person to speculate about the way in which the world may be made subject to the rule of law. Some suggest that the creation of a true world law, binding on all States and enforced against them, must await the creation of a world government. An important blueprint for the centralization of some governmental functions on the international plane has recently been made in a study by Mr. Grenville Clark and Professor Louis Sohn. There are others who maintain that in the past law has been necessary before the State or a government could be created. According to this view, we must promote the observance of law between States before we can hope to see any form of international government. Perhaps the correct view is that government and law, inextricably related as they are, must march together.

Having spoken of the origin and force of international law, I now must turn to some description of international law as it exists today, with particular emphasis upon the sources of international law. There is some criticism, I might add, of the term "international law" itself, for it is complained that the body of law with which we must concern ourselves in these days is a larger one "which regulates actions or events which transcend national frontiers." Professor Jessup, whose description this is, and a number of other authorities prefer to employ the term "transnational law." Historically, international law has been said to be that body of law which governs the relationships of States. Nevertheless, the impact of the law of nations always has been felt by individuals. If Nation A owes Nation B a duty to protect the latter's citizens when they are in the territory of State A, the duty may be owed to Nation B, but it is the national of State B who is protected or injured, as the case may be. If one State owes another nation a duty not to subject the soldiers of the latter to the jurisdiction of its courts for line-of-duty offenses in time

of war, it is the individual soldier or sailor who ultimately benefits from that immunity. But the International Court of Justice as well as many international lawyers continue to pay lip service to the old view when they say that a State bringing a claim against another for an injury to its national does so because of an injury to its interests, not because of the injury to the alien. In our day, when international relationships have grown more complex and States have to deal with other nations, with foreign corporations, with alien individuals, with public international organizations, with private international organizations (like the International Committee of the Red Cross or the International Air Transport Association), it is probably more correct to say that international law governs the relationship of a State or public international organization with some person or body of persons or entity foreign to it. The law in this area is still in the process of formation. Only a few years ago, the International Court of Justice was able to conclude that the United Nations had international standing to present a claim arising out of the death of Count Bernadotte, the United Nations Mediator in Palestine. The Court noted that the organization was endowed sufficiently with the characteristics of international personality that it had been able to conclude agreements on the international plane in the past.

The sources of international law are described conveniently for us in Article 38 of the Statutes of the International Court of Justice, which deals with the law to be applied by that tribunal. I will have a few words to say about each of these and some related observations about where to find the law. The first of these sources of law is "international conventions, whether general or particular, establishing rules expressly recognized by the contesting states," by which is meant treaties to which the litigating States are parties. Treaties may be bilateral, binding on two States, or

multilateral, if three or more States are parties. The term "international legislation" is sometimes used to describe "the process and the product of the conscious effort to make addition to, or changes in, the law of nations," the definition being that of Judge Hudson, who has edited a notable collection of such treaties. International legislation, as thus conceived, must be distinguished from the laws adopted by national legislatures. It is of the essence of national legislation, whether enacted by a direct vote, as in a town meeting, or through representatives of the people, that a properly enacted statute or resolution or ordinance should bind even those who were opposed to its adoption. The situation is quite different with respect to treaties, for, with rare exceptions, they bind only those who have consented to become parties to the agreement. In this respect, they are more like contracts than like statutes. I said "with exceptions" because some provisions of the United Nations Charter, to take one example, purport to govern the conduct of nonmembers of the organization. In other instances, conventions—a term often applied to multilateral treaties—have been drawn up which declare that they are declaratory of customary international law so that we may look to them as evidence of the customary law binding on nonparties to the conventions. A number of the defendants in the German war crimes trials maintained that since the Regulations annexed to Convention No. IV of The Hague of 1907 were not in force between the parties to the conflict, the criminality of their conduct could not be adjudged in terms of those Regulations. To this contention, the tribunals replied that the Hague Regulations and certain provisions of the Geneva Prisoners of War Convention of 1929 as well were declaratory of customary international law and it therefore was possible to look to them as the best statement of customary law.

In order to determine the meaning of a provision of a treaty, it is often necessary to have reference to the drafting history or *travaux préparatoires* of the agreement. In the case of a multilateral convention, this will include the debates in the conference which drafted the treaty, the proceedings of the various commissions of the conference, and the reports prepared by the commissions and the conference. The International Court of Justice has shown itself reluctant to rely on the drafting history of an agreement in order to ascertain its meaning, but it has turned to the *travaux préparatoires* in order to support the conclusion it already has reached.

The second source of international law mentioned in Article 38 of the Statute of the Court is "international custom, as evidence of a general practice accepted as law." The evidence of international custom is to be sought primarily in State practice. It has often been said in the past that the conduct of a State cannot be creative of law genuinely unless it be undertaken because the State believed this course of action was the proper or obligatory one. I think that it is safer to say that State practice, without regard to its motives or intent, creates customary law, provided it be acquiesced in by other nations and is not regarded as improper. It is in order to prevent the hardening of a country's claims into law that other States make protests, as, for example, against the claim to a territorial sea of 200 miles or to the sudden closing of a bay on the asserted grounds that it is a historic bay constituting national waters of the claimant. The claim of Norway to a territorial sea of four miles drawn from straight base lines was recognized by the International Court of Justice because of the fact that Norway long had asserted its right to those waters and other States had acquiesced in this claim. It is this translation of practice into customary law to which I referred earlier when I spoke of the law's search for stability through adherence to a

pattern of conduct established in the past.

We search for evidence of international custom in diplomatic history, in collections of diplomatic documents, and in the writings of scholars who have written on these matters. In the case of the United States, the great source record of our diplomatic history is the series *Foreign Relations of the United States*, in which the important diplomatic correspondence of this country is printed. Publication of this record follows about fifteen years after the events recorded. The practice of the United States and of many other countries is found more conveniently in Hackworth's *Digest of International Law*, the eight volumes of which are one of the most important sources for anyone interested in international law.

The third source mentioned is "the general principles of law recognized by civilized nations." This provision makes national legal systems a source of law for the creation of international law, especially in those cases where there are as yet no applicable principles of the law of nations. Unjust enrichment and respect for acquired rights have been said to be two of the principles carried over from municipal law—as international lawyers confusingly call national law—into the law of nations.

The fourth subparagraph of Article 38 of the Charter lists two final sources. The first of these is "judicial decisions." The most important of these are the judgments of the Permanent Court of International Justice, renamed the International Court of Justice at the time of the adoption of the Charter just to show people that the Court had never had anything to do with the League. These are printed in collections of judgments of the Court. The decisions of arbitral tribunals also constitute "judicial decisions" for this purpose. The word "arbitral" as applied to these courts is somewhat misleading, since they render their decisions on the basis of law and

not as an attempted compromise of the conflicting demands of the parties to the arbitration. There are many individual volumes reporting the decisions of various arbitral tribunals. The most useful general collection is that published by the United Nations, *Reports of International Arbitral Awards*. The opinions of national courts on questions of international law also are entitled to considerable weight, even though in some instances these tribunals may be expected to take a somewhat more partisan view of the law than would an international tribunal. An annual volume, bearing the title of the *International Law Reports*, collects these decisions of national courts.

The second of the two "subsidiary means for the determination of rules of law" listed in subparagraph 1(d) of Article 38 is "the teachings of the most highly qualified publicists of the various nations," or, more simply, scholarly writings. So vast is the amount of treaty law, State practice, and judicial decisions that we must rely upon learned writers to synthesize this material and reduce it to manageable proportions. The scholar of the law also fills the valuable functions of criticizing the law, of attempting to clarify its ambiguities, of suggesting the filling of gaps, and of charting the progress of the law for the future. In this country, the leading text is that of the late Charles Cheney Hyde, *International Law, Chiefly as Interpreted and Applied by the United States*. In Great Britain and throughout the Commonwealth, international lawyers took to the two volumes of Oppenheim, periodically rewritten and supplemented by Judge Lauterpacht.

This rapid survey of the origin and application of international law would not be complete without some reference to the effect given customary international law and treaties in the law of the United States. I think that it is probably safe to say that international law and treaties enter into the decision of

hundreds of cases in our courts every year. International law is part of the law of this country and is applied routinely in our State and Federal courts. Treaties are, under the Constitution, part of the "supreme Law of the Land" on an equal footing with the Constitution and the laws of the United States. It is a consequence of the fact that statutes and treaties are on the same level that a treaty prevails over a prior inconsistent treaty, without, of course, impairing the binding force of the treaty internationally. In this latter event, the Congress makes implementation of the treaty impossible and thereby causes a violation of the treaty by the United States.

If the courts of the United States find it easy to give internal effect to international law, the position of the Executive Branch of our government and the Congress as regards the function of law in the conduct of foreign affairs is in marked contrast. The crucial test of the sincerity of a State's devotion to the rule of law is whether that State is willing to submit its international disputes to the compulsory jurisdiction of the International Court of Justice in the Hague. The Statute of the Court provides that individual cases may be referred specially to the Court or that States may recognize the jurisdiction of the Court as compulsory in all legal disputes concerning the interpretation of a treaty; any question of international law; the existence of any fact which, if established, would constitute a breach of an international obligation; and the reparation to be made. The United States has accepted the jurisdiction of the Court, but with several limitations, the most important of which excepts matters within the domestic jurisdiction of the United States, as determined by the United States. If this country does not wish a particular case to go to the Court it only has to say that the case is one within its domestic jurisdiction. It would not be

unfair to construe this statement as meaning that the United States accepts the jurisdiction of the Court except as to those cases in which it does not wish to accept the jurisdiction of the Court. A notable example of the unwillingness of the United States to submit its disputes to judicial settlement is the *Interhandel* case. The fundamental substantive issue in that case is whether certain property seized by the United States during World War II is German, and thus enemy property, or Swiss property. The Swiss Government maintains that the property in question is actually Swiss, and that the United States is obliged to submit the matter to arbitration under our treaties with that country. Here are two countries with similar economic systems, with like devotion to the rule of law, with similar democratic institutions. There is no pitting of the Free World against the Communist World here, no great political issue, but solely a lawyer's question of whether there is an obligation to arbitrate and whether the property in issue belongs to Swiss or German nationals. It is hard to conceive of a case more narrowly legal in nature. And yet the United States seems to be unwilling to submit even the issue of our obligation to arbitrate to judicial settlement. Our fulminations about the refusal of the U.S.S.R. to accept the jurisdiction of the Court as to a number of claims arising out of destruction of our military aircraft seem ludicrous in light of our own record as a possible defendant before the International Court of Justice.

Despite such lapses, I suppose that

one of the values which we are attempting to defend against the absolutist world is the rule of law in the international sphere as well as in our various national ones. Our quest for legality and order inevitably will suffer if we forget how to apply law in our relations with our friends, and perhaps in our relations with those with whom we are less friendly as well. Quite aside from this moral commitment which we have made, the restraints which international law place on our own conduct are in our best interests. International relations are made easier by a system which has mapped out where one State's jurisdiction ends and another State's begins. In the explosive atmosphere of our contemporary world, a spark in the wrong place and at the wrong time could spell disaster. The person who acts inconsistently with law thus may do a tremendous disservice to his own cause and to his own country. This seems to me to be one of the most important single reasons why naval officers must acquaint themselves with the body of law which governs the foreign relations of their country. The study which you will make of international law during the coming days should help you to identify the danger areas, to distinguish the real restraints of the law from those which exist only in theory, and to understand a problem put in legal terms. It is the hope of all of us who have come here to share our knowledge of international law with you that you will come to recognize in the law of nations a shield and a sword in the battle we wage for an orderly and peaceful world.