

The Institute adopted a series of recommendations to be known as the Recommendations of Havana, dealing with international organization. These recommendations are of a more speculative nature, for they could not very well be based upon the decisions of the Supreme Court or indeed of any other court, as they deal with the things of the future, not of the present and of the past. Like the Declaration, they have little or no claim to originality, as they aim to give form and shape to a sequence of proposals, which may be said to be in the air. They were unanimously adopted and will appear in the proceedings of the Institute, accompanied by a commentary, as in the case of the Declaration of the Rights and Duties of Nations.

The Institute considered a series of projects, which, however, it did not adopt, and upon which it refrained from an expression of opinion, as, before taking action, it seemed desirable to refer them to each of the twenty-one national societies of the American republics, in order to obtain an expression of their views in advance. These projects relate to the fundamental bases of international law, the fundamental rights of the American Continent, the regulation of neutrality in naval war, the organization of a court of arbitral justice, a union or league of nations for the maintenance of peace, the rights and duties of nations which are derived from the fundamental rights. The texts of these projects will appear as appendices to the summary statement called the Final Act of the Havana session, and, of as present interest to the readers of the JOURNAL, the text of this Act, containing the Recommendations of Havana and the enumeration of the projects and proposals referred to the national societies, is printed in English translation in the Supplement to this JOURNAL, p. 47.

JAMES BROWN SCOTT.

#### SOCIETY FOR THE PUBLICATION OF GROTIUS

The JOURNAL takes pleasure in publishing the following announcement:

The other day a "Society for the publication of Grotius" was formed at The Hague, with the object of preparing a new edition of the works of Hugo Grotius (1583-1645), the famous Dutch scholar, renowned alike as lawyer, theologian, philosopher and historian. A commencement will be made by publishing the letters written by and to Grotius. A committee has been appointed, consisting of the following gentlemen: Professor Mr. C. van Vollenhoven, of Leiden, President; Mr. G. J. Fabius, of Rotterdam, Treasurer; Professor Dr. J. Huizinga, of Leiden;

Professor Dr. A. Eekhof, of Leiden; Mr. G. Vissering, of Amsterdam; Dr. D. F. Scheurleer, of The Hague, and Dr. P. C. Molhuysen, of The Hague, Secretary.

It is perhaps too much to say that Grotius was the founder of international law, as he aims, as shown, to construct a system of international law from the works of his predecessors. The fact remains, however, that he performed this great service, and the three books on the law of war and of peace published in 1625 are the first systematic treatises on the law of nations.

It is not a valid criticism that he did not create what he expounded, and he expounded so well what he found at hand, and so much of the treatise is due to the industry, thought and judgment which he brought to the performance of the self-imposed task that he is rightly considered the father, if not the founder, of international law; and, in any event, he is the author of the first systematic treatise on the subject, and through this treatise, and because of its author, jurisprudence found itself endowed with a new branch of law, and the world with a rule of conduct for the nations. In this vast domain the great Dutchman had no master and he still awaits a rival.

But, great as his service to international law is, has been, and will be, which has made him a benefactor of his kind and of nations, he would be sure of grateful remembrance had he never treated the law of nations. By profession a lawyer, and leader of the bar in his own country, he was a theologian, a poet and a scholar in a day when scholarship meant as great, if not greater, familiarity with Latin and Greek and the literature in those languages than with the language and literature of his own country. He was possessed of the learning of his day and generation to a degree remarkable in any man, and which is almost unbelievable in a man of affairs. In his boyhood Henry IV pronounced him the miracle of Holland, and today he is its glory as well as its miracle.

It is peculiarly appropriate that Dutch scholars should think of Grotius today and announce an edition of his works, for it was in a time of bloodshed and despair that he himself penned his immortal work on the law of nations. "I saw," he said, "in the whole Christian world a license of fighting at which even barbarians might blush, wars begun on trifling pretexts, and carried on without any reverence for Divine or man-made laws, as if that one declaration of war let loose every crime."

Because of this international situation, and because of his belief that

there was a law to be observed in war as well as in peace, he wrote his treatise, which has done more to introduce justice into the conscience of nations than the work of any other man.

May the re-publication of the treatise turn the thoughts and the minds of men to the principles which he advocated, and may the old work in its new form render a new service to the old cause of justice, to justice as between men.

If, unfortunately, the waters of the ocean should sweep over Holland and blot it out forever, it would be immortalized by the work of the man whom the government of that day imprisoned for life when he still honored their country with his presence, and whose dead body was stoned by the people in the streets when it was brought back to Delft for burial. Of a truth "the prophet is not without honor, save in his own country and in his own house."

JAMES BROWN SCOTT.

#### RESPECT FOR THE AMERICAN FLAG

Among the rights stated by publicists to which nations are entitled is the right to respect, including the right to have their national emblems respected and the respect enforced by penalties if need be. The United States possesses this right as a nation, although adequate steps have not been taken in times past to secure the flag of the United States and the national emblems from desecration. An Act of Congress, approved February 8, 1917, was passed "to prevent and punish the desecration, mutilation, or improper use, within the District of Columbia, of the flag of the United States of America," and the passage of this Act at this time makes brief comment upon the general subject both timely and interesting. This is, however, not the only law on the statute books. In 1905 and in 1907 the question was considered from a different standpoint, and, in allowing trade marks to be registered in the patent office, the flag, national and State emblems were excluded.<sup>1</sup> Two years later this Act was amended by the Act of February 2, 1907, and the clause regarding flags and national emblems was retained without change.<sup>2</sup>

In the American form of government, the United States, speaking of the States as a whole, possesses the powers which have been spe-

<sup>1</sup> U.S. Statutes at Large, 58 Cong., Vol. 33, Pt. 1, Public Laws, p. 725.

<sup>2</sup> U.S. Statutes at Large, 59 Cong., Vol. 34, Pt. 1, Public Laws, p. 1251.