ADDRESS OF HONORABLE CARL J. HAMBRO

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fairly with all, that it was friendly to all, that lived not only according to the
dights of man within, but in accordance with the rights of man without, was
ruthlessly, brutally, and savagely conquered, annexed, and its destruction
attempted. We know that there will be a resurrection because we know
those people and we know their history. Yet, today, they are one of the
great tragedies of our time, the complete exemplification of the fact that a
people living according to law—of God, of man, and of nations—unless they
are strong enough to defend themselves by force, may under the present
trend of a brutal imperialism be reduced to slavery.

We have here tonight the President of the Norwegian Parliament, the
representative of Norway in the League of Nations since 1926, and the
President of the League Assembly in 1939, Chairman of the Supervisory
Committee, a member of the Norwegian Parliament since 1918, the head of
the Conservative Party, the President of the Parliament and a man who,
some years ago when German pressure was put on Norway to try to prevent
his election, was elected by the opponents that had always voted against
him, showing the spirit and courage of the Norwegian people. I am de-
lighted, therefore, to have perhaps the outstanding representative of that
great, gallant, and noble people of Norway who have, sir, our highest re-
spect, our regards, and who have our hopes for the future. The Honorable
Carl J. Hambro will now address you.

Honorable C. J. HAM BRO. Mr. Toastmaster, Ladies and Gentlemen:
I feel deeply moved by the kind words spoken by our Toastmaster to myself
and to my country, and I feel greatly honored and also somewhat embar-
rassed at having accepted the invitation to address you here tonight, having
no pretense to be a lawyer, nor a philosopher, and resting content with
following Mr. Jingle in being only an observer of human nature and, to a
certain extent, an observer of events. But I could not resist that kind in-
vitation to participate to some extent in your work during these days, trying
to live up to the slogan of the Norwegian lawyers that the art of living con-
sists of acquiring the right kind of accomplices. Norway, representing
countries that are at war at present, feels proud and honored by having as
its accomplices the members of the American Society of International Law.

A short time ago there was published in New York a book under the
title Prophecy From the Past, a translation of that remarkable little book
published by Benjamin Constant in Hanover in 1813 to call the attention of
the whole civilized world to the danger of the dictatorship of Europe, to the
moral dangers of the power wielded by Napoleon, at a time when the whole
of Europe, to use his own words, “was a prison house”. He described the
state of Europe and the case of dictators in words which are as true today as
they were in 1813. He said in his book:

What cunning, violence and perjury are necessary to the success of
the dictator. The usurper must invoke the very principles which he
intends to break; he must play upon the good faith of some, take advantage of the weakness of others, awaken greed, encourage injustice, urge corruption, in other words, force men's worst instincts to a rank and rapid growth.

What have we been witnessing during the last ten years or longer? The retrograde movement in international morals since the early thirties is without parallel in the history of mankind, and people in many countries have been reduced to a state of moral lethargy, which is more dangerous to the conceptions of international law and justice than anything else. You can to a certain extent measure that development in your own country by remembering the indignation that went all over the world when, in 1914, the leading statesmen of a great Power called a treaty with a small friendly nation only "a scrap of paper"; and some of you may still remember how feelings were running high in the United States when the Lusitania was torpedoed. Since then we have seen so many treaties and obligations violated, we have seen such a wave of international crime and cruelty and injustice, that people hardly reacted when far worse things were perpetrated than the violation of the German treaty with Belgium in 1914. And to all those who are looking to international justice, international law, international cooperation as the hope of the future, it is necessary to remember that what we have been witnessing during these years is not a result of a single man or of a few men usurping power in any state—it is the result of a long moral development, with roots far back in history.

Even before Benjamin Constant wrote his book, Fichte, in his Speeches to the German Nation, had laid the foundations of some of the evils we are witnessing today, when he said in his famous speech in January, 1807, "Promise peace that thou mayest begin war with advantage." And that philosophy has been taught for over a century with results which you all know.

In the textbook of international law used by most German universities before the last war, Professor Erich Kaufmann, in his Das Wesen des Völkerrechts, wrote those words so typical of that kind of mentality: "Not a community of free men, but victorious war is the social ideal. It is in war that the state displays its true nature."

Honest nations have had the greatest difficulty in understanding the moral conceptions of some other nations; and such an understanding is desperately needed if international law shall prevail, as in the individual life of any nation crime can be successfully fought only by those who understand the criminal mentality. Mr. J. Edgar Hoover has demonstrated this in his book, Persons in Hiding, where he gives the best description of the criminal mentality that has been given by any modern writer, perhaps; and every single word in his opening chapter could be applied to nations as well as to individuals, giving the best description of totalitarian mentality that I have ever seen.
The great Spanish writer Ortega defined barbarism as the state where there is no right of appeal, where the will of a chieftain, a medicine man, a dictator, is supreme, and no individual has any right to question what he has dictated and has no opportunity of appealing to any court of law. The greater part of Europe today is living in that state of barbarism. There is no law, and there is no constitution, and the individuals have no rights at all.

In Norway, when the Supreme Court of Justice in a body resigned as a protest against the German violation of every principle of law, they were followed by so many public functionaries and civil servants that the German authorities decreed that it should be a criminal offense to resign. More than that, they have declared that it is not sufficient to abstain from actions, words, and writings against the Nazi régime; it is also necessary to abstain from thinking, and any person can be summoned before a court of justice and asked whether he has been thinking unfriendly thoughts about Mr. Hitler and the German régime. He will risk being punished if he admits that he has had such thoughts.

Your Toastmaster so eloquently described the real issues of this war; and only if we understand how fundamental and far-reaching they are, and only if we understand that the crux of the problem is moral and spiritual, and not political, can we hope to build a future on another basis. International treaties have failed because leading statesmen in practically every country preferred to sacrifice principles to sacrificing anything else. It was the expedient that was followed, and very few statesmen realized that in political life if you want to build something, you can compromise on a good many things, but you can never compromise on principles, and least of all on moral principles.

A very simple parallel comes to my mind. Quite often when two nations not speaking the same language conclude treaties, they write them in both their languages, and, as often as not, they have an official French translation, French being the accepted international language of diplomacy. And as a rule it is stated in the treaty itself or in the note accompanying the treaty which text shall be binding in case of litigation, for even the most conscientious translation can never create two texts so identical that no international lawyer could find a possibility of questioning the niceties of translation. If nations and statesmen had taken the same care when they came to the contents of the treaties, the world would have looked different. No agreement, no treaty, can have any real, practical political value of life or death unless the two parties being bound by that treaty speak and understand the same moral language. If the basic and fundamental conceptions of a promise and of an obligation, a sacred word given, has one meaning to one party and an entirely different meaning to the other party, the treaty itself will be in danger to the party accepting the old ideas of honor and honesty and decency, and will lay him open to aggression and invasion and occupation, as we have seen in so many countries of Europe.
rived at a moment where it is felt to be a deadly danger to any small nation if a great Power offers it a pact of non-aggression or a treaty of friendship. Every critical observer of human nature and political events is bound to know that it will be his turn next, and there can be no progress out of this present moral anarchy unless nations are forced to accept moral principles in international life as moral principles have been accepted in the legal life of every civilized nation. Only if statesmen in all the countries of the world are requested by all their supporters and all their voters to live up to the same moral obligations in international life, as would have been requested in individual and in national life, can the world move on to a stage of relative security.

It is impossible for me to have this opportunity of speaking here tonight without paying some tribute to the President of your Society. Not only to the United States, but to all the nations of the world, even those nations who would not be willing to admit it today, it has been a thing of real importance that the Secretary of State of the greatest democracy is a man with a profound respect for international law and justice, with a keen interest in the work for international law, and with a feeling that only on legal principles can any foreign policy be built. A few days before the invasion of Norway, we had a meeting in Oslo of the Nobel Peace Prize Committee, of which I happened to be a member, to look at the candidates which had been proposed for the Nobel Peace Prize and to look into their activities. As you all know, and as many of you have been instrumental in, one of the candidates was Secretary of State Cordell Hull. So I had the line of his political history and his interest for international law and international justice very present in my memory in the months that followed, and I could not help comparing the documents bearing on him with another candidate proposed for the Nobel Peace Prize some years ago in an entirely different way, a dictator of a great state in Southern Europe, who felt most hurt when some other statesmen who had been instrumental in bringing about the Locarno treaties had received the Nobel Peace Prize during the years 1925 and 1926 without his name having been mentioned at that time. That illustrates how rapid has been the movement in political currents of immorality. His delegation at Geneva had proposed shortly before, in support of this candidacy, that there should be made an international treaty preventing the manufacture of toy soldiers because such soldiers would be dangerous to the mentality of the young boys growing up. A few years afterwards I read in the Gazetta del Popolo a description of a national exposition of toys for children in Italy. That was in 1936. It said: "We are shown many new products such as machine guns for children, mounted on tricycles, small armored cars instead of the usual toy automobiles, and a variety of war material, not expensive, but exceedingly amusing."

In a good many countries of Europe those things were found exceedingly amusing, but to the observers of political events and of human nature, they
were exceedingly sad and they were exceedingly ill-boding. There has been a systematic education of young men and women to bring them up to the idea that war, as expressed by Professor Kaufmann, "victorious war", is the ideal social state; and it is my profound belief that whenever a peace is concluded, that peace can have no very lasting effect unless those negotiating peace will go deeper down into the human heart and conscience and into the structure of modern society than has been done in any previous peace treaty. Without some kind of international control of philosophical and moral education at the universities and schools, we will have the same thing happening over again, perhaps in a shorter period than the period which elapsed since the last war. And unless nations are wide awake to the individual responsibilities of their statesmen, they will not see international law and international justice triumphant as it should be triumphant. Every leading statesman who accepts in his public official life codes or morals which he would never accept as an individual is helping the work to destroy international law and justice. No man can be a dictator and remain a sane man and a moral being, and no man can profess that the end will justify the means and remain uncorrupted.

To me, one of the most pathetic small moments of human history is what is told in the history of Oliver Cromwell, who was a man who started with very high ideals and, as it would be said today, was forced by the current of events to do things which he would not have done a couple of years before. When he was lying on his deathbed, he called one of his preachers and said to him that there was one question troubling his mind—whether it was possible to fall from grace.

And the minister said to him, "No, that is impossible."

Cromwell said, "Then I am saved, for I know that once I was in grace."

Any dictator who would call his ministers today would be told the same story, that it is impossible to fall from grace, because they would be the ministers of his might and not the ministers of the Gospel, and they would tell him what they felt would be opportune at the moment.

There can be no appeasement between groups of nations believing in entirely different codes of morals. There can be peace and there can be established international law and international justice only if the same fundamental conceptions are accepted by all democratic nations and are forced upon the rest of the world.

We have also got to realize to its full extent that there can be no rule of law unless, in the final stage, law can be enforced. There can be no Permanent Court of International Justice which will mean much to mankind unless it is given power of jurisdiction and a means to enforce that power of jurisdiction. That does not mean that armaments would be perpetuated; it would mean something entirely different. It would mean that instead of armaments, we would get binding international treaties whereby states bind themselves to protect the jurisdiction of an International Court of Justice.
It might be done in various ways. We may come to a realization of what was in the minds of the American Congress when, in joint session on the 20th of June, 1910, they unanimously asked the President to appoint a committee of five members to investigate the problem and take the necessary steps to make of the combined navies of the world a police force to prevent any outbreak of war.

Only if all those interested in international law, with a deep personal feeling of the necessity for establishing a rule of law for the rule of violence, will every day live up to that conviction, shall we attain the improvements necessary.

Public opinion is only the outcome of the moral atmosphere in the individual homes of the nation; it is the crystallization of what is desired, what is dreamed about, what is prayed for in the individual homes in the nation. And if that opinion is strong enough, statesmen will act up to it. We are bound sometimes to speak quite openly about our convictions. It is not less true today than it was in 1775 when Edmund Burke made his famous speech for conciliation with the colonies. He said that refined policy has always been and will always continue to be the parent of confusion; that we have got to speak in undisguised terms of moral principles and of moral convictions. You may sometimes excuse those coming from the small nations of Europe when they feel in their heart of hearts that leading public men who try to tell any democracy on earth that the outcome of this war is no concern of theirs, that it does not matter which side wins, are accessories after the fact to every crime that has been committed in their country. We look upon them as the moral accomplices of all the bestialities that are going on all over Europe, and sometimes we feel a desire to say it quite openly. It is not a criticism of individuals; it is a statement of deep moral conviction, and if every man and woman who felt that conviction in his or her individual heart would speak it openly, all such voices of moral indifference would be silenced.

The enlightened public opinion in the greatest democracy on earth will be a determining factor for the whole future history of mankind; and the moral force that can be wielded by such a group as the American Society of International Law cannot be easily measured. It is more far-reaching than perhaps anybody in this room can suspect today. You have it in your hands and in your minds to render a service to mankind, because the fact that you have been outside this war for so long makes any decision, any discussion, of your Society the more important; and when you openly advocate the views that have been advocated by our Toastmaster here tonight and by so many of you, you make a wonderful contribution to the constructive future of mankind. Democracies cannot survive and they do not deserve to survive unless in every democratic nation there is a majority of men and women with a deep personal, moral conviction that what was called once in the document dear to all of us, “inalienable rights,” such as “life, liberty, and
the pursuit of happiness," can continue to exist only if they also today are willing to pledge their lives, their fortunes, and their sacred honor to defend those principles and those rights and make them the international law for all the nations.

The Toastmaster. Our good and honored guest and friend, Mr. Hambro, denied that he was either lawyer or philosopher. I should say that he possesses the lucidity of thought which should and rarely does characterize members of the bar, and that he has the breadth and power of thinking which often philosophers arrogate to themselves and occasionally in history have possessed. Possessing the two together, he has certainly been and is one of the world’s statesmen.

I am not a medical man, but I know that disease usually is a pretty slow growth. All of a sudden we see a rude and rather shocking symptom, and we say the man is sick, but usually he has been ill for a long time, and perhaps he, and certainly his friends, did not know it. The malady that is striking at the roots of society internally and externally and internationally is not one of yesterday and today, and is not confined to simply a handful of men who might be denominated “Hitler and Company.” That nefarious band of arch brigands has had a considerable line of ancestry.

I remember an incident that happened in my own experience in 1912 in London, when I happened to be taken to a very interesting lunch where there were a number of prominent people. The main cynosure of all eyes was a most pulchritudinous young woman. She also had a power of speech which she did not hesitate to use. It seems that she was a great and admired friend of the Kaiser (and in that I can sympathize with him), and she told us, among other interesting things, that the Emperor of Germany said that the greatest book that had appeared in Europe in 400 years was a book by Houston Chamberlain, once an Englishman, but who had become a German and had married the daughter of the great Richard Wagner, the musician,—The Foundations of the Nineteenth Century. That book had a certain vogue among the intellectual class, but it never penetrated to the mass until it was made the basis of Mein Kampf by Adolph Hitler, showing that the malady went a long way back, and from the top it percolated all through until, as our honored guest Mr. Hambro has just said, it had perverted the entire education of a whole great and powerful people.

Another instance I had of that very much later was when, a year before the war, sitting on an international committee for several days next to a Prussian soldier, who is now one of the marshals of the German Army and one of the most prominent and closest to the Fuehrer, he said to me quietly one night as we were sitting alone in the cabin of a ship, “After all, the real business of mankind is war. The people that are always prepared for war will win.” Where you have such a program and a gospel of that kind, unless it can be overcome, good-night to international law!
Now, my friends, strangely enough, in that extraordinary drama that is called history, we go back 2,500 years and re-read of a great and heroic resistance at the pass of Thermopylae. What a strange thing it all is that we read again of brave and devoted men who, like the men who were with Leonidas, died to stop the hordes of Xerxes, and we read about them with the maximum of admiration, for they were fighting and dying for the values that we hold to be the things that make life worth living. Yet there is something to my mind even more admirable than that, for all down through the dark somber pages of the history of man, there have been brave men, brave soldiers, willing to die for the cause and for the country, but never, perhaps, has any great civilized nation, has any great metropolis, a world city, suffered the martyrdom that has been imposed upon the civilians, the people of London and of the great cities of England. To my mind, it is one of the noblest things in history that a people, people like ourselves, with nothing to do with the military, not dedicated to the profession of arms, and following their vocations and their business in the ordinary way, rich and poor, labor and capitalist, banker and lawyer and doctor, have all said, "We will endure this to the end. We will pursue to the end; we will not yield, we will not be destroyed by the malevolent forces that would destroy all the things which we believe make life worth living."

I think that is one of the finest, most inspiring things in history, to see those people in London and in all England in the first line of defense of civilization, fearless, undaunted, and, I am sure, in the end triumphant. That is one of the reasons why we are very fortunate to have here tonight the Minister of Great Britain. I will just say a word about him.

He has recently been appointed here. His career is a very distinguished one. He was Vice Consul at Rio de Janeiro in 1907. He served in the Belgian Congo, where he performed extraordinary exploits under very difficult situations, from 1906 to 1913. He represented his country in Venice from 1913 to 1915. He was Consul at Addis Ababa from 1915 to 1919, and Consul General at Philadelphia in 1920 and 1921, and at San Francisco from 1922 to 1931. He was at New York from 1931 to 1938, and was High Commissioner for the United Kingdom in Canada, 1938 to 1941. He is qualified to speak as a lawyer because he has been made an LL.D. by Rutgers College, in Canada by Queen's University of Kingston and McGill University of Montreal and Bishop's College.

More than that, may I say a personal word. During his consularship in New York, which is a very varied place so far as opinion is concerned and is gathered from all quarters of the world so far as race is concerned, I may say that he became the most popular American of us all. No man was liked more. No man more rejoiced the banquets and public meetings that were held in the city. No man was more sympathetically received. No man understood America better. No man was more fitted to be the officer of liaison between Britain and the United States, no man more fitted