

EDITORIAL COMMENT

GEORGE GRAFTON WILSON
1863-1951

For the first time since *THE AMERICAN JOURNAL OF INTERNATIONAL LAW* began publication in January, 1907, the name of George Grafton Wilson is omitted from the list of members of the Board of Editors. He died in Cambridge, Massachusetts, on April 30 in his 89th year, the last survivor of the original Editorial Board which included James Brown Scott as Managing Editor, and Charles Noble Gregory, David Jayne Hill, John Bassett Moore, Leo S. Rowe, Robert Lansing, William W. Morrow, Oscar S. Straus and Theodore S. Woolsey. Professor Wilson, then Professor of International Law at Brown University and law lecturer in the United States Naval College, was a member of the Committee on Organization of the American Society of International Law, and was elected a member of the first Executive Council, on which he served for life. In 1923 he became a Vice President and the following year an Honorary Vice President, a position he held at the time of his death.

He succeeded Dr. Scott as Editor-in-Chief of the *JOURNAL* in 1924. In addition to the usual functions of an editor, the Editor-in-Chief is responsible for the final make-up of each number of the *JOURNAL*. To maintain its scientific and professional standards and to safeguard the best interests of the Society of which the *JOURNAL* is the organ, the Editor-in-Chief is vested with the power to veto the publication of any contribution or other material. He passes personally upon the contributions of other members of the Board and is the final arbiter of disagreements between them concerning the publication of articles submitted by non-members. For nineteen years Professor Wilson performed those responsible duties with tact, sound judgment and complete satisfaction. Because of his advancing years he resigned as Editor-in-Chief on May 7, 1943. Following the death of Dr. Scott in June of that year, Professor Wilson was elected Honorary Editor-in-Chief on July 21, 1943.

From the beginning of its publication, Professor Wilson was a constant contributor to the columns of the *JOURNAL*. He had an article in the first number entitled "Insurgency and International Maritime Law." His last contribution, in October, 1944, was an editorial on "Peace and Security." He was a regular attendant at the Society's annual meetings and actively participated in their proceedings. His last appearance was at the annual dinner on May 1, 1943. Elsewhere in this *JOURNAL*¹ his many years of service as Professor of International Law at Harvard University and at the

¹ See current note, *post*, p. 549.

Naval War College are described. There he established an enviable reputation as a beloved teacher, personal friend and wise counselor. His success as an author has also been mentioned there, as well as his distinguished services to the Government.

It was the privilege of the undersigned to be associated with Professor Wilson over a long period in the editing of the JOURNAL and in the affairs of the Society, as well as in other activities in which we both took deep interest. He was chairman of the Standing Committee of the American Society of International Law, appointed to make recommendations to the Division of International Law of the Carnegie Endowment for International Peace when it invited the Society's advice and suggestions concerning the increase and advancement of the study and teaching of international law in American institutions of learning. He was a representative of Harvard University in the series of Conferences of Teachers of International Law and Related Subjects which were held at irregular intervals in connection with the Society's annual meetings. He participated in all of these meetings except the eighth and last, held in 1946. At two of them he read papers. At the third, held in 1928, he presented the subject of "The Nature of Research as Distinguished from the Gathering of Information," and at the sixth meeting in 1938 his subject was "War Declared and the Use of Force."

Pursuant to the Society's recommendation, the Carnegie Endowment established in 1917 ten annual fellowships in international law. The awards were made by a committee appointed from the profession outside the Endowment. Professor Wilson served for twenty years as the anonymous Chairman of the Committee on Awards. It was upon his suggestion that the rule was adopted requiring holders of the fellowships to transfer to another college or university for study under the award, in order, as Professor Wilson expressed it, to prevent educational "in-breeding."

When the Harvard Research in International Law was organized in 1929, Professor Wilson was made a member of its Advisory Committee. Later he became a member of its Executive Committee and was Reporter of its Draft Convention and Comment on the subject of Territorial Waters. In 1932 the Division of International Law of the Carnegie Endowment started a series of Summer Sessions on International Law for young teachers and professors in the smaller institutions. Professor Wilson served on the informal council which directed the work and he gave scheduled courses and seminars throughout the whole series of meetings. They were held for eight successive summers at the University of Michigan, the ninth and final session taking place at McGill University in Montreal.

The last volume added to the Carnegie Endowment's "Classics of International Law" was Dana's edition of Henry Wheaton's *Elements of International Law*. Professor Wilson was invited to assume, and accepted, its editorship. The edition of 1866 was literally reproduced, with errors cor-

rected by footnotes of the Editor, leaving the original text undisturbed. Professor Wilson also contributed an admirable introduction on "Henry Wheaton and International Law," and a "Sketch of the Life of Richard Henry Dana, Jr.," and supplied a chronological list of editions and translations of Wheaton's *Elements*.

On the numerous happy occasions when the undersigned was fortunate to have the privilege of working with Professor Wilson, he frequently met many of his former students. Without fail each and every one of them spontaneously expressed his affection and admiration for his former teacher. Even in Manchuria where our paths crossed at Mukden in the summer of 1929, I was met at the railway station by a delegation of his former Japanese and Chinese students, who proudly informed me they had a surprise for me at the hotel, where I found Professor Wilson waiting. Although he could not stay the march of time in years, he remained young in thought and action. Every year of the summer sessions at Ann Arbor and Montreal he personally drove his automobile both ways to the meetings, accompanied by Mrs. Wilson. He took pleasure in entertaining his friends at dinner in a variety of interesting places. During the summer, when not otherwise occupied, he lived the life of a country squire at his summer home in Vermont, around which he gradually acquired more land and built homes for his children and grandchildren. It was the happy place of his honeymoon which he later purchased and, with his wife, developed into a haven of family gathering, rest and recreation.

The world in which George Grafton Wilson moved is better off because he was a part of it. His reputation for sincerity of purpose, calm judgment, fidelity to duty, abilities *par excellence*, and, above all, his fatherly sympathy, will live in the hearts and minds of thousands of young men and women whom he started and guided on their careers. His loss is felt in more circles of associations and friendships than most men have been vouchsafed to form, and he retained them throughout a lifetime slightly less than a decade short of a century.

GEORGE A. FINCH
Editor-in-Chief

BELLUM JUSTUM AND BELLUM LEGALE

In 1914 and long before the right of every sovereign state to go to war was recognized by the practice of states and by the overwhelming majority of writers, war, the "*ultima ratio regum*," served in the primitive international community a double purpose: a method of self-help to enforce a right, in the absence of international courts with compulsory jurisdiction, and a method of self-help to change the law, analogous to internal revolution, in the absence of an organ of international legislation in the true sense of this term.

In this century the old *bellum justum* doctrine, which played so great a rôle in the literature from the times of St. Augustine to Vattel, was, first,