

In order to determine the answers to these questions, and others of a similar nature that may arise in the future, it is necessary to examine thoroughly the sources of international law which are applicable, the weight to which such sources are entitled, and the basic philosophy underlying the development of international law principles. In the light of the results of such an examination, the problems will be seen in their proper perspective.

In the first place it must be clearly understood that international as distinguished from municipal law is far from a complete and undisputed body of rules governing conduct. On almost every point of substance or basic foundation there is disagreement among text-writers and disagreement among courts. For example, there is a dispute of many years' standing as to whether the term "international law" is appropriate - some writers taking the position that it is not law at all because there is no lawgiver who can punish those who disobey. Again, there is a controversy on the subject of the character of international law, i.e., whether there are rights possessed by states in virtue of their independent existence or whether the rules are developed from the conduct of nations.

No useful purpose would be served by an attempt to resolve these basic conflicts. It will be helpful, however, to develop briefly the two predominant views concerning the nature and interpretation of international law. It is my opinion that the logical application of general principles in accordance with either view to the situations which are likely to arise when Germany collapses will not result in clear-cut, conclusive decisions supported by well-recognized rules of law. The proper solution of the many

difficult problems will be possible only through the exercise of judgment by the appropriate officials of the Allied governments and the extension, interpretation and development of the principles of international law in an effort to establish a course of conduct which is humane and just.