LAWS OF WAR AND PEACE

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January 22, 2015
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John Mendelsohn and Donald S. Detwiler, Editors


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The documents were carefully chosen from the thousands preserved at the U.S. National Archives, by the late Dr. John Mendelsohn, a supervisory archivist of the U.S. National Archives and Records Service, who was the author of numerous finding aids and guides to captured German documents and Holocaust records. Dr. Donald S. Detwiler, an internationally recognized authority on the history of World War II and its documentation and Professor Emeritus, Southern Illinois University, is the Advisory Editor. Each volume contains an Introduction by Dr. Mendelsohn or another distinguished authority. The introductions offer historical perspective on the documents as well as general information about the topic. Each volume contains a detailed table of contents listing each document and providing its source.

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Selected Titles

**T. Baty and J.H. Morgan**  
*War: Its Conduct and Legal Results*  
The authors argue that the First World War effectively ended the existing system of international law, a system that was already in decline due to the growing economic and political interdependence of states.

**Elbert J. Benton**  
*International Law and Diplomacy of the Spanish-American War*  
An exploration of Spanish-American relations prior to and during the war. This work is critical, but it leans heavily toward a pro-American point of view. He concludes, for instance, that American military and diplomatic objectives were achieved to varying degrees, that at the end of the conflict Cuba was granted complete sovereignty, and that the treaty of peace was fulfilled.

**D.W. Bowett**  
*Self-Defense in International Law*  
Bowett observes that the use or threat of force by any state can be a delict, an approved sanction, or a measure taken in self-defense. He examines the evolution of the doctrine in the 19th and early 20th centuries, with the assumption of the existence of a state’s unlimited right to go to war.

**Samuel B. Crandall**  
*Treaties, Their Making and Enforcement*  
Reprint of the 2nd edition, preferable because it is a substantially expanded work. This important treatise analyzes agency and the right of ratification, the essentials of validity, the reality of consent and the operation of treaties from the date they take effect to their interpretation and termination. It explores treaty-making in the United States in great depth, including treaties made before and during the Articles of Confederation era, and discusses treaty-making in Germany, Great Britain, France, Belgium, Italy, Denmark, Switzerland and other countries.

**Frances Gardiner Davenport, Editor**  
*European Treaties Bearing on the History of the United States and Its Dependencies*  
This valuable compilation contains treaties and papal bulls dealing with colonial matters. Although they are fundamental documents for the study of early American history, they are not widely available in print form. Contains 203 treaties with historical introductions and extensive bibliographical notes. Each volume contains a thorough index.

**Edward A. Harriman**  
*The Constitution at the Cross Roads*  
A Study of the Legal Aspects of the League of Nations, The Permanent Organization of Labor and the Permanent Court of International Justice  
Harriman offers a thorough, organized treatment of the extent of the legal consequences in which the Constitution of the United States may be affected by the Treaty of Versailles and the United States’ resulting membership in the League of Nations and the Permanent Court of International Justice.
Thomas Erskine Holland
The Laws of War on Land
(Written and Unwritten)

Holland [1835–1926] analyzed the proceedings of the international conventions held at St. Petersburg in 1868, Geneva in 1906 and the Hague in 1899 and 1907. He found that they provided enough common material to create a code of land warfare, so he synthesized the texts of these conventions into a code containing 140 numbered articles divided into five sections. Each is annotated with references to the conventions. A standard authority during the First World War. Still cited today, it is also a primary source for the study of the law of land warfare from 1868 to the mid-20th century.

Manley O. Hudson
International Tribunals Past and Future

An authoritative survey of significant international courts and tribunals over the last 150 years, beginning with a brief history from the American-British Treaty of 1794 to the time of publication. The work goes on to offer a constructive analysis of the place of tribunals in problems of world affairs, with an emphasis on their organization, operation, function as well as a critical examination of the merits and defects.

Frederick J. Jacobsen
Laws of the Sea With Reference to Maritime Commerce, During Peace and War

Reprint of the 1818, first English-language edition. Originally published in Altona (Hamburg) in 1815, J.G. Marvin spoke highly of this work in his Legal Bibliography (1847), noting that few have equaled his wide range of research and depth of learning (418-419). As late as 1921, G.L. Canfield, writing in the Michigan Law Review, called this work “one of the pleasures of the legal bibliophile” that “remain[s] essential today to a practitioner’s library (19:580-582).”
Selected Titles

**William Ladd**

An Essay on a Congress of Nations for the Adjustment of International Disputes Without Resort to Arms

Reprinted from the Original Edition of 1840 with an Introduction by James Brown Scott


The first important statement on the preservation of peace through international mediation published in the U.S. Well-received in Europe, it became a central text for peace organizations and participants in international law conferences, and did much to persuade Americans to accept the idea of an international peace organization.

**Robert C. Morris**

International Arbitration and Procedure


Traces the legal aspects of international controversies and their resolution, with an emphasis on the role of the United States in such arbitrations. With a foreword by William Howard Taft penned during his presidency, who points out that Morris “has shown the progress that has been made toward the final hope of all the advocates of arbitration, to wit, an arbitral court, sustained by the agreement of all nations.” (p. x).

**A.T. Mahan**

Armaments and Arbitration

Or The Place of Force in the International Relations of States


A collection of influential essays, some originally published in The North American Review from 1911 to 1912, offer an examination of the factors involved in the use of force vs. the use of law in international disputes.

**Sir Walter George Frank Phillimore**

Three Centuries of Treaties of Peace and Their Teaching


This historical analysis of treaties enacted from 1582 to 1913 was intended to provide guidance to the diplomatic community at the end of the First World War.

**Lawrence Martin**

The Treaties of Peace, 1919-1923

Maps Compiled Especially for This Edition and a Summary of the Legal Basis of the New Boundaries by Lt. Col. Lawrence Martin


A useful reference, this title contains the complete texts of the peace treaties that concluded the First World War.

**Walter Alison Phillips**

The Confederation of Europe

A Study of the European Alliance, 1813-1823 as an Experiment in the International Organization of Peace


Phillips [1864–1950] believed that World War I, though greater in scale, was similar to earlier European conflicts. Hopeful that the newly formed League of Nations could learn a useful lesson from the past, he offers an account of its most successful forerunner, the European alliance of 1813-1823, which was formed at the end of the Napoleonic Wars. Reprint of the second edition.
Coleman Phillipson
Termination of War and Treaties of Peace

Sir Frederick Pollock
The League of Nations
A trenchant analysis of the League of Nations by one of the leading legal scholars of the day.

Jackson H. Ralston
International Arbitration from Athens to Locarno
This study is notable for its deep understanding of history and the nature of international arbitration. The first part outlines general principles of judicial settlement between nations. The second part is a historical survey of international arbitration from antiquity to the Treaty of Locarno (1925).

James Brown Scott
Sovereign States and Suits before Arbitral Tribunals and Courts of Justice
Scott outlines a history of states gradually renouncing warfare in favor of international mediating agencies. His conclusions were overly optimistic, but his book remains valuable for its intellectual history of inter-state mediation and its insights into the relationship between sovereign states and the Hague Tribunal of Arbitration and the Permanent Court of International Justice.

Robert W. Tucker
The Law of War and Neutrality at Sea
Reprint of a title in the International Law Studies series published by the Naval War College. Published at a time when international law was processing the challenges introduced during World War II and the Korean Conflict, and when the United Nations, the World Court and other new international bodies were exerting influence as belligerents or judicial bodies, Tucker’s analysis was a timely guide to a legal field in the midst of unprecedented change.

William Whiting
War Powers under the Constitution of the United States
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